

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**ORGANIZATIONAL**  
**SESSION OF 1991**

**HELD IN THE CITY OF MONTGOMERY**  
**COMMENCING TUESDAY, JANUARY 8, 1991**



**Vol. 1**

**WITH AN INDEX PREPARED BY THE**  
**SECRETARY OF THE SENATE**

# CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. Legislative roster, listing names and addresses of all members of the current Legislature by district;
2. A listing of legislative days, with calendar dates and pages on which each day begins;
3. A topic index of general bills listed alphabetically by subject matter;
4. A topic index of local bills listed alphabetically by counties;
5. A topic index of resolutions;
6. A miscellaneous index, including all items not categorized as bills or resolutions;
7. A sponsor index, listing all Senate bills and resolutions alphabetically by author;
8. A Senate bill numerical index, with short titles;
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**FIRST LEGISLATIVE DAY**

**TUESDAY, JANUARY 8, 1991**

This being the second Tuesday in January, A.D., 1991, and the day fixed by law and the Constitution of the State of Alabama for the Organizational Session of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery, at the Alabama State House, at 12 o'clock Noon, and was called to order by Lieutenant Governor James E. Folsom, Jr.

McDowell Lee, Secretary was present and acted as such according to law.

**PRAYER**

The Session was opened with prayer by the Reverend Billy Walker, Sr., Associate Pastor, The Church of Montgomery, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Lisa Helms, of the Senate Staff.

## CERTIFICATE OF ELECTION

At the direction of the President and Presiding Officer of the Senate, the Secretary read the following Certificate of Election from the Secretary of State, to-wit:

## STATE OF ALABAMA

I, Perry A. Hand, Secretary of State, of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that

Pursuant to the Code of Alabama, 1975, as amended, I, Perry A. Hand Secretary of the State of the State of Alabama, do hereby certify that the results of the General Election held in Alabama on November 6, 1990, were opened and counted and that the results so tabulated are attached hereto listing those duly elected members of the Alabama State Senate.

District No. 1, Bobby Denton; District No. 2, Jim Smith; District No. 3, Ray Campbell; District No. 4, Don Hale; District No. 5, Robert (Bob) Wilson, Jr.; District No. 6, George Bolling; District No. 7, Bill G. Smith; District No. 8, Lowell Barron; District No. 9, Hinton Mitchem; District No. 10, Jack Floyd; District No. 11, Jim Preuitt; District No. 12, Doug Ghee; District No. 13, Gerald Dial; District No. 14, Frank "Butch" Ellis, Jr.; District No. 15, John Amari; District No. 16, J. T. "Jabo" Waggoner; District No. 17, Mac Parsons; District No. 18, Fred Horn; District No. 19, Jim Bennett; District No. 20, Earl F. Hilliard; District No. 21, Ryan deGraffenried; District No. 22, W. H. "Pat" Lindsey; District No. 23, Hank Sanders; District No. 24, Walter Owens; District No. 25, Larry Dixon; District No. 26, Charles D. Langford; District No. 27, T. D. (Ted) Little; District No. 28, Danny Corbett; District No. 29, Chip Bailey; District No. 30, "Walking" Wendell Mitchell; District No. 31, E. C. "Crum" Foshee; District No. 32, Albert Lipscomb; District No. 33, Michael A. Figures; District No. 34, Ann Bedsole; District No. 35, Steve Windom.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Alabama, at the Capitol, in the City of Montgomery on this day.

January 7, 1991

PERRY A. HAND,  
Secretary of State  
State of Alabama



**ROLL CALL**

Whereupon on a call of the roll, the following Senators answered to their names, a quorum of the Senate:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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**ELECTION OF OFFICERS**

The President and Presiding Officer of the Senate announced that the next order of business was the election of officers as follows: President Pro Tempore and Assistant Secretary.

**ELECTION OF PRESIDENT PRO TEMPORE**

Senator Parsons placed in nomination for President Pro Tempore of the Senate the name of the Honorable Ryan deGraffenried, Jr., which nomination was seconded by Senator Owens. On motion of Senator Preuitt, the nominations were closed.

Senator deGraffenried, having received a unanimous voice vote of the Senate, was declared duly and constitutionally elected President Pro Tempore of the Senate.

**OATH OF OFFICE**

The oath of office prescribed by the Constitution of Alabama was then administered by the Honorable James E. Folsom, Jr., President and Presiding Officer of the Senate, to the Honorable Ryan deGraffenried, Jr., President Pro Tempore.

**ELECTION OF ASSISTANT SECRETARY**

Senator Lindsey placed in nomination for Assistant Secretary of the Senate the name of David Patrick Harris, which nomination was seconded by Senator Foshee.

Senator Jim Smith then placed in nomination the name of Larry Childers, which nomination was seconded by Senator Bennett.

On motion of Senator Corbett, the nominations were closed.

Senator Corbett moved that the election of Assistant Secretary be held by secret ballot, which motion was adopted.

And the President and Presiding Officer of the Senate appointed Senators Lindsey, Bennett, Smith (J), and Foshee to tabulate the votes.

Mr. Harris, having received a majority vote of the Senate, was declared duly and constitutionally elected Assistant Secretary of the Senate, for the term prescribed by law.

### OATH OF OFFICE

The oath of office prescribed by the Constitution of Alabama was then administered by the Honorable James E. Folsom, Jr., President and Presiding Officer of the Senate to the Honorable David Patrick Harris, Assistant Secretary of the Senate.

### RESOLUTIONS

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

**SJR 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.**

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Senator deGraffenried, the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators Waggoner, Lipscomb, and Dixon.

Senator deGraffenried then offered the following Senate Joint Resolution, to-wit:

**SJR 2. MEETING DAYS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

**BOTH HOUSES THEREOF CONCURRING**, That when the legislature adjourns on Tuesday, January 8, they adjourn to meet again at 10:15 a.m. on Wednesday, January 9, and when they adjourn on Wednesday, January 9, they adjourn to meet again at 12:00 noon on Tuesday, January 15.

On motion of Senator deGraffenried, the Resolution was adopted by the Senate.

Senator deGraffenried then offered the following Senate Joint Resolution, to-wit:

**SJR 3. RELATIVE TO A JOINT SESSION OF THE ALABAMA LEGISLATURE.**

**BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING**, That the Legislature meet in joint convention in the Hall of the House of Representatives at 10:20 A.M. January 9, 1991, for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the general election held on November 6, 1990, as required by Section 115 of the Constitution of Alabama.

On motion of Senator deGraffenried, the Resolution was adopted by the Senate.

Senator deGraffenried then offered the following Senate Joint Resolution, to-wit:

**SJR 4. RELATIVE TO THE PRINTING OF THE ACTS AND JOURNALS.**

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING**, That the acts and journals of this Organizational Session in 1991, be bound with the Regular Session or any Special Sessions in 1991.

On motion of Senator deGraffenried, the Resolution was adopted by the Senate.

Senator Denton offered the following Senate Resolution, to-wit:

**SR 5. ESTABLISHING AND IDENTIFYING THE MAJORITY AND MINORITY POLITICAL PARTIES AND THEIR ORGANIZATIONS IN THE ALABAMA SENATE.**

Which was adopted.

Senators Corbett, Campbell, Bennett, Denton, Foshee, Little, Langford, Horn, Amari, Bolling, Floyd, Windom, Parsons, Wilson, Lindsey, Figures, Ghee, and Preuit offered the following Senate Joint Resolution, to-wit:

**SJR 6. REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE COSTS OF ALL LEGAL SERVICES PERFORMED FOR THE STATE OF ALABAMA DURING PAST QUADRENNIUM.**

WHEREAS, the Alabama Legislature, in order to promote greater fiscal responsibility, deems it in the State's best interest to ascertain the legal costs for services rendered to the State of Alabama, its various agencies, departments and commissions; and

WHEREAS, it is difficult for the Alabama Legislature to determine with exactitude the amounts incurred for legal services by the State, its various agencies, departments and commissions, due to increased complexity in the form of legal representation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature hereby directs, authorizes and empowers the Attorney General of the State of Alabama to make an investigation of the costs of all legal services performed during the past quadrennium for the State of Alabama, its various agencies, departments, and commissions, and report his findings to the Legislature on the first legislative day of the 1991 Regular Legislative Session, to-wit, April 16, 1991.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be forwarded to the Attorney General.

On motion of Senator Ellis, the Resolution, SJR 6, was postponed until the Second Legislative Day.

Senators Bedsole, Foshee, Amari, Windom, Waggoner, Dixon, Dial, Barron, Ellis, Bolling, Lipscomb, and Denton offered the following Senate Joint Resolution, to-wit:

**SJR 7. ENCOURAGING ALABAMA'S SPILL RESPONSE TASK FORCE TO CONTINUE TO MEET AND MAKE RECOMMENDATIONS.**

WHEREAS, the Alabama Legislature passed SB13, Act number

90-741 during the 1990 Regular Session establishing Alabama's Spill Response Task Force, and

WHEREAS, Act number 90-741 continues the existence of the Task Force until June 1, 1991, and

WHEREAS, the Task Force has submitted its report with recommendations to improve the state's readiness to prevent, contain, remove, and clean up petroleum and hazardous material spills in Alabama's coastal waters, and

WHEREAS, there are continuing and existing issues relating to the state's readiness to respond to spills, therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both houses concurring that we recommend that the Spill Task Force continue to meet until its dissolution on June 1, 1991 and to continue to submit any further recommendations to the Speaker of the House, the Lt. Governor, and the Governor as prescribed by law.

On motion of Senator Bedsole, the Resolution was adopted by the Senate.

Senators Bedsole, Figures, Windom, Campbell, Foshee, Waggoner, Barron, Ellis, Bolling, and Lipscomb offered the following Senate Joint Resolution, to-wit:

**SJR 8. ENDORSING THE EFFORTS OF THE ALABAMA BATTLESHIP COMMISSION IN THEIR QUEST TO ACQUIRE THE U.S.S. LEXINGTON AIRCRAFT CARRIER FOR PERMANENT DISPLAY AT THE ALABAMA BATTLESHIP PARK.**

WHEREAS, it is anticipated that the Aircraft Carrier U.S.S. Lexington will be decommissioned later this year or early in 1992; and

WHEREAS, the U.S.S. Lexington would be a significant addition to the Alabama Battleship Park in Mobile; and

WHEREAS, members of the U.S.S. Alabama Battleship Commission are striving to acquire the U.S.S. Lexington for permanent display at the Alabama Battleship Park,

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, that we hereby endorse the efforts of the Alabama Battleship Commission in their quest to acquire this historic

aircraft carrier for permanent display at the Alabama Battleship Park.

On motion of Senator Bedsole, the Resolution was adopted by the Senate.

Senator Horn offered the following Senate Joint Resolution, to-wit:

**SJR 9. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that there is hereby created an Interim Committee on Finances and Budgets to meet during the interim periods between the regular sessions of the Legislature, during which periods the members, including Ex Officio members, shall each be entitled to, and shall receive, fifty dollars per day in addition to the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session for each weekday, Monday through Friday, that the committee meets. Provided however, on weekdays upon which a meeting is scheduled, members must attend said meeting in order to be paid. Said Committee shall not be paid for more than 45 calendar days in any single interim period. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. However it is further provided, that the Co-Chairmen and Vice Co-Chairmen of the Interim Committee on Finances and Budgets shall receive fifty dollars per day in addition to the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session for each day of the week, Monday through Friday during the period in which budget hearings are scheduled regardless of whether the Committee meets as a whole or in sub-committees. It shall be the duty of the Committee to make a careful investigation and study of the financial condition of the state, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the members of the Senate Committee on Finance and Taxation, the Lieutenant Governor, the President Pro Tempore of the Senate, four additional members of the Senate to be appointed by the Lieutenant Governor, the members of the House Committee on Ways and Means, the Speaker Pro Tempore of the House, the Speaker of the House, and eleven additional members of the House to be appointed by the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio voting members of the Committee. In addition, the members of the Joint

Continuing Committee to Study the Tax Structure of the State of Alabama and the Distribution of Tax Revenues shall be invited to attend and participate in any hearings set by the Interim Committee on Finances and Budgets. It is also provided, that members of said tax structure committee who are not also members of the Interim Committee on Finances and Budgets, shall be paid at the same rate and under the same conditions as members of the Interim Committee on Finances and Budgets.

The Chairman of the Senate Committee on Finance and Taxation and the Chairman of the House Ways and Means Committee shall be Co-Chairmen. The said Co-Chairmen shall each appoint one Vice Co-Chairman and shall set the schedule and program for committee work. The said Co-Chairmen shall fix the days and hours of meetings and conduct hearings and examine witnesses who appear before the Committee. Each Co-Chairman may appoint Sub-committees and invest them with such authority as may be deemed necessary to conduct the Committee's business and expedite its work. Members appointed to any Sub-committee shall each be entitled to, and shall receive compensation as is provided for in the above paragraph for members of the Interim Committee on Finances and Budgets for each day said members attend a Sub-committee meeting that is not also a meeting day of the Interim Committee. Said Sub-committee members shall not be paid for more than 30 additional calendar days in any single interim period for work of said Sub-committee. The Secretary of the Senate, the Clerk of the House of Representatives and the Director of the Legislative Fiscal Office shall provide the Committee with such clerical and expert assistance from among their respective staffs as may be necessary.

All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and its staff and shall furnish any and all information that may be requested by the Committee or its staff.

BE IT FURTHER RESOLVED, That the final report of the Committee, along with findings and recommendations, shall be submitted to the Governor and to each member of the Legislature no later than the seventh legislative day of the regular session. Said Committee shall terminate November 1, 1994.

On motion of Senator Horn, the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the

House has perfected its organization and elected its permanent officers;

Speaker of the House:  
Speaker Pro-Tem:

Jimmy Clark  
Jim Campbell

and is now ready for the transaction of public business.

JOHN W. PEMBERTON,  
Clerk.

### RESOLUTIONS

Senators Dial, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 10. COMMENDING THE ALABAMA AIR AND ARMY NATIONAL GUARD AND ALABAMA RESERVISTS PARTICIPATING IN OPERATION DESERT SHIELD.**

WHEREAS, on August 2, 1990, Iraqi tanks and infantry invaded and quickly conquered Iraq's small neighbor, Kuwait; and

WHEREAS, President George Bush denounced Iraq's aggression and signed executive orders banning most trade with Iraq and when an Iraqi assault on Saudi Arabia, which could bring almost one-half of the world's oil reserves under its control, appeared possible, the United States sent a strong military force to defend Saudi Arabia in Operation Desert Shield; and

WHEREAS, many Alabamians are participating in Operation Desert Shield; approximately 4,700 Alabama Air and Army National Guardsmen have been activated and about 50 percent of those have already been deployed to Saudi Arabia; and

WHEREAS, as a result of the Middle East Crisis, some 2,500 Army, Air Force, Naval and Marine Corps Reservists from Alabama have been called up for duty and have been deployed or assigned to Operation Desert Shield; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do strongly**



condemn the actions of Iraq and Saddam Hussein and do highly commend the Alabama Air and Army National Guard and all the Alabama Reservists who are members of the United States Armed Forces defending against the Iraqi aggression in a display of bravery, loyalty and patriotism of which this body and all Alabamians can be proud.

On motion of Senator Dial, the Resolution was adopted by the Senate.

Senators Dial, Corbett, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom offered the following Senate Joint Resolution, to-wit:

**SR 11. COMMENDING RICHARD JOSEPH FEDERINKO OF WADLEY, ALABAMA, TROY STATE UNIVERSITY "ALUMNUS OF THE YEAR."**

Which was adopted.

Senators Dial, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom offered the following Senate Joint Resolution, to-wit:

**SR 12. COMMENDING BARBARA ALFORD OF MONTGOMERY FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.**

Which was adopted.

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

**SJR 13. COMMITTEE TO NOTIFY GOVERNOR AND ASCERTAIN DESIRE FOR JOINT SESSION.**

**BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING,** That a committee of three members of the Senate, to be named by the President and Presiding Officer of the Senate, and three members of the House, to be named by

**1st Day**

the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

**BE IT FURTHER RESOLVED**, That said Committee ascertain from His Excellency if he desires to address a joint session of the Legislature and, if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

On motion of Senator Figures, the Resolution was adopted by the Senate.

The President and Presiding Officer of the Senate appointed as members on part of the Senate, Senators Bedsole, Amari, and Ellis.

Senators Figures, Windom, and Bedsole offered the following Senate Resolutions, to-wit:

**SR 14. CONGRATULATING THE MCGILL-TOOLEN HIGH SCHOOL "DIRTY DOZEN," ALABAMA'S 1990 STATE 6A VOLLEYBALL CHAMPIONS.**

Also:

**SR 15. COMMENDING MCGILL-TOOLEN'S VARSITY BOYS ON THEIR 1990 VICTORY IN THE STATE CLASS 6A CROSS COUNTRY CHAMPIONSHIPS.**

Also:

**SR 16. RECOGNIZING THE MCGILL-TOOLEN FRESHMEN GIRLS ON THEIR CAPTURE OF THE 1990 CROSS COUNTRY STATE TITLE.**

Also:

**SR 17. EXTENDING HEARTIEST CONGRATULATIONS TO MCGILL-TOOLEN HIGH SCHOOL ON THE FRESHMAN BOYS CROSS COUNTRY 1990 STATE CHAMPIONSHIP.**

Which were adopted.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

**HJR 6. RELATIVE TO MEETING DAYS AND JOINT SESSION.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Tuesday, January 8, 1991, they adjourn to meet again on Wednesday, January 9, 1991.

BE IT FURTHER RESOLVED, That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives at 10:15 A.M. January 9, 1991, for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the General Election held on November 6, 1990, as required by Section 115 of the Constitution of Alabama.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Resolution, HJR 6, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

**HJR 7. SETTING JOINT SESSION.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives at 10:30 A.M. Wednesday, January 9, 1991, for the purpose of receiving the written comparisons, analyses,

recommendations and proposed legislation from the Chairman of the Alabama Commission on Tax and Fiscal Policy Reform as required by Act No. 90-734 of the 1990 Regular Session of the Legislature.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Resolution, HJR 7, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

#### HJR 8. SETTING JOINT SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives at 11:00 A.M. Wednesday, January 9, 1991, for the purpose of receiving the report of findings, conclusions and recommendations, including specific legislation, from the Joint Interim Legislative Committee to Study the Funding and Allocation of Revenues for Elementary/Secondary Schools in Alabama as required by Act No. 90-503 of the 1990 Regular Session of the Legislature.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Resolution, HJR 8, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

**HJR 4. CREATING A LEGISLATIVE PARKING COMMITTEE.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to work with the Chief of Services and Capitol Police, Department of Finance, and in assigning parking places to members of the Legislature. Said Committee shall consist of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the Presiding Officer of the Senate.

And the Speaker of the House has appointed as members on the part of the House Reps. Starkey, Thomas, and Curry.

JOHN W. PEMBERTON  
Clerk.

**HOUSE MESSAGE**

On motion of Senator deGraffenried, the Resolution, HJR 4, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate, Senators Foshee, Denton, and Windom.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

**HJR 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the

House to be appointed by the Speaker, be named to wait upon the Governor of Alabama and inform him of the organization of the Legislature, and its readiness to transact business.

And the Speaker of the House has appointed as members on the part of the House Reps. Turner, Grayson, and McKee.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Resolution, HJR 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate, Senators Waggoner, Lipscomb, and Dixon.

### RESOLUTION

Senator deGraffenried offered the following Senate Resolution, to-wit:

#### SR 18. ADOPTION OF SENATE RULES.

RESOLVED BY THE SENATE OF ALABAMA, That the following be adopted as the Rules of the Senate for the quadrennium 1991-1994, to wit:

### GENERAL RULES OF ORDER AND PROCEDURE

RULE 1. (a) The presiding officer shall call for a prayer to be delivered by the Chaplain of the Day.

(b) The presiding officer shall then call for recitation of the Pledge of Allegiance to the Flag of the United States of America.

(c) The President shall take his chair precisely at the hour to which the Senate has been previously adjourned. However, in the absence of the President, the President Pro Tempore shall assume this duty. In the absence of both President and President Pro Tempore, this duty shall be the responsibility of the Committee Chairperson in the order listed in Rule 49. The President shall call the Senate to order and

cause the roll to be called. If there is a quorum present, the Senate shall proceed with the transaction of its business, if there be no quorum present, a lesser number may adjourn from day to day and compel the attendance of absent members, as provided in Rule 38.

**RULE 2.** Unless it is otherwise specifically provided for by resolution or motion, the Senate shall meet at ten o'clock a.m., except on Mondays, when the Senate shall convene at twelve o'clock noon; however, the Senate shall meet at twelve o'clock noon on the first day of any organizational, special, or regular session.

**RULE 3.** When the question of a quorum has been requested, after the expiration of five minutes, the roll shall be called immediately and, if the absence of a quorum shall be determined, then the Senate shall stand in adjournment until the following calendar day unless otherwise provided for by resolution or motion.

**RULE 4.** No person shall be admitted to the floor of the Senate's Chamber while the Senate is in session except members. Former members of the Legislature and former Lieutenant Governors, the officers and employees of the two houses, the employees of the presiding officer, the Governor and his Secretary, representatives of the press, the directors and employees of the Department of Archives and History, the Chief Examiner and employees of the Department of Examiners of Public Accounts, and the Director and employees of the Legislative Reference Service and the Legislative Fiscal Officer and the employees of the Legislative Fiscal Office in aid of the Senate in its work shall also be admitted to the floor and all of whom shall be placed by the Secretary of the Senate. On the first legislative day of any regular, special or organizational session, the families of the members of the Senate shall have the privileges of the floor, but only for that specific legislative day. This rule shall be enforced by the Secretary of the Senate without such enforcement being suggested or requested by a member of the Senate.

**RULE 5.** Only the presiding officer of the Senate shall introduce visitors in the Senate gallery. Such introductions shall be made at the request of any Senator, but only at such time as will not interrupt or disturb the orderly transaction of the business of the Senate.

**RULE 6.** No person shall be allowed to lobby in the Senate's chamber while the Senate is in session.

**RULE 7.** No motion shall be deemed in order to admit any person whomsoever within the doors of the Senate's chamber to present

any petition, memorial, or address, or to have any such petition, memorial, or address read.

**RULE 8.** After reading the journal, the regular order of transacting business for the Senate shall be:

- 1st, Signing of bills;
- 2nd, Call of districts;
- 3rd, House messages;
- 4th, Reports from standing committees;
- 5th, Reports from select committees;
- 6th, Motions and resolutions;
- 7th, Uncontested local bills;
- 8th, Consent Calendar;
- 9th, Bills on third reading;
- 10th, Other business.

**RULE 9.** The regular order of business shall not be set aside except by a majority vote of the Senate, upon a resolution reported by the Committee on Rules. The reading of the journal, however, may be dispensed with on motion, which motion shall be decided without debate.

**RULE 10.** Under call of the districts, only bills shall be introduced.

**RULE 11.** No bills other than local, advertised or otherwise, shall be introduced in the Senate during a regular session after the Senate adjourns on the 24th legislative day.

**RULE 12.** The unfinished business in which the Senate was engaged at the last preceding adjournment shall have preference in the special orders of the day. This rule shall not apply to the eighth order of business (Rule 8), the Consent Calendar, except as provided in subparagraph 7 of Rule 14.

**RULE 13.** Each motion or resolution for a bill to be placed on the Consent Calendar or for a special order shall be first referred to and



reported from the Committee on Rules.

**RULE 14.** After a bill appears on the regular calendar, the sponsor of a Senate bill may, during the period for considering motions and resolutions, request that the bill be referred to the Committee on Rules for placement on the Consent Calendar. Any member of the Senate may, during the call for motions and resolutions, upon motion, request that a House bill be referred to the Committee on Rules for inclusion in the Consent Calendar. The referral to the Committee on Rules shall be limited to considering the bill for placement on the Consent Calendar, except as provided in subparagraphs (4) and (7) of this rule. Such request shall be deemed a privilege and shall be subject to the following procedures:

(1) During each regular session each Senator is limited to three requests for Senate bills and three requests for House bills to be referred to the Committee on Rules for placement on the Consent Calendar, whether such bills are placed on said calendar or not; provided, however, upon suspension of the rules a Senator may be entitled to exceed the number of requests stipulated herein; it is expressly understood that the Consent Calendar will not be applicable during any special session.

(2) Unless the Clerk of the Committee on Rules receives written objections from two or more Senators, this bill will be automatically placed on the Consent Calendar; any objection must be received by the Clerk prior to the end of the second legislative day after the motion for placement on the Consent Calendar is made.

(3) If two or more written objections are received by the Clerk of the Committee on Rules, the request for placing the bill on the Consent Calendar shall fail automatically and the bill shall revert to the Regular Order Calendar when the Rules Committee next reports, under the fourth order of business (Rule 8); the Secretary shall place such bill at the end of the Regular Order Calendar.

(4) Bills on the Consent Calendar shall not be amended or substituted in any manner, nor subject to any motion except a motion to correct typographical, grammatical or technical errors, or a motion to suspend the rules, unless such motion shall be ruled by the Chair as dilatory; provided, however, if a House bill, appearing on the Regular Senate Calendar, is identical in every respect and form to the Senate version, such bill may be offered as a substitute.

(5) The total time for debate on each bill shall not exceed thirty

minutes, at which time a vote thereon shall be taken.

(6) The total time for consideration of the Consent Calendar shall not exceed two hours. If the two-hour period expires before the end of the time allotted in (5) above, the bill under debate shall be the first order of business on the Consent Calendar for the next day and prior time used for debate shall be deducted from the total allowed each bill; and each bill shall retain its position on said calendar until acted on by the Senate.

(7) Resolutions and local legislation shall not be eligible for placement on the Consent Calendar.

(8) A Senate bill must be submitted for placement on the Consent Calendar no later than the 12th legislative day and any Senate bill still on the Consent Calendar at the end of the 15th legislative day shall revert to the end of the Regular Order Calendar. A House bill must be submitted for placement on the Consent Calendar no later than the 22nd legislative day and any House bill still on the Consent Calendar at the end of the 25th legislative day shall revert to the end of the Regular Order Calendar. House bills on the Consent Calendar shall be considered for third reading only on the 20th and 25th legislative days.

**RULE 15.** Bills on third reading postponed to a day certain shall take precedence over other bills on third reading on such day, and from day to day thereafter until disposed of. Priority of postponed bills shall be in the order of their postponement.

**RULE 16.** When reports of standing committees are in order, the committee last occupying the floor shall be entitled to the floor.

**RULE 17.** Every motion shall be reduced to writing upon request of the presiding officer or of any Senator. Written motions shall be delivered to the Secretary at the desk and read before the same shall be debated.

**RULE 18.** Before any memorial or petition addressed to the Senate shall be received and read at the desk, a brief statement of its contents shall be made by the introducer.

**RULE 19.** When a question is under debate, no motion shall be received but: (1) to adjourn, (2) adjourn to a day certain, (3) to lay on the table, (4) to postpone indefinitely, (5) to postpone to a day certain, (6) to commit, or (7) to amend, which several motions shall have precedence in the order they stand arranged. The motions to adjourn, to adjourn to a day certain, and to lay on the table shall always be in order

and shall be decided without debate.

RULE 20. The motion to lay on the table an amendment or substitute shall not carry with it the original bill, resolution, or proposition.

RULE 21. The Committee on Rules may at any time report a special rule that debate on any measure shall cease at a certain hour and a vote be taken on the measure. In addition thereto a petition signed by eighteen or more Senators to the effect that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure filed with the Secretary while the Senate is in session, shall have the same effect as a report of the Committee on Rules regarding debate. The consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon; and if three-fifths of the members elected shall vote to limit debate, then said rule shall have been adopted by the Senate.

RULE 22. Messages may be introduced at any stage of business, except while a question is being put, while the yeas and nays are being called, or while the ballots are being counted.

RULE 23. No discussion or debate shall be allowed while a vote is being taken.

RULE 24. Every bill on first reading shall be referred to a standing committee, and shall be read a second time when returned from the committee on any subsequent day.

RULE 25. When the reading of any paper is called for and the reading of same is objected to by a member, the question shall be determined by a vote of the Senate without debate.

RULE 26. If the question in debate contains several points, any member may call for a division. It shall not be in order, however, to move for a division of the question on a motion to strike out and insert.

RULE 27. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall a subsequent motion simply to strike out prevent a subsequent motion to strike out and insert.

RULE 28. In filling blanks, the largest sum and longest times shall be put first.

RULE 29. When a vote has been taken on any question, other

than a motion to adjourn, adjourn to a day certain, or to lay on the table, it shall be in order for any Senator of the majority to move for the reconsideration thereof. But no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion upon which the vote was taken shall have gone out of the possession of the Senate. Nor shall any motion for a reconsideration be in order unless it is made on the same day on which the vote was taken, or by twelve o'clock noon the next day, or one hour after the Senate convenes, if after twelve o'clock.

RULE 30. Resolutions proposing amendments to the Constitution or requiring the approbation or signature of the President or granting money out of funds appropriated for the Legislature shall be treated in all respects in the introduction and form of proceedings thereon as bills.

RULE 31. All motions to go into executive session shall be decided without debate.

RULE 32. Executive messages shall be considered with open doors unless it is otherwise requested in the message or otherwise ordered by a vote of the Senate.

RULE 33. All nominations and appointments shall be referred to, and be reported from the Committee on Confirmations before consideration by the entire Senate. If the Senate rejects a nomination or appointment, it will either forward its rejection to the Secretary of the Senate who shall forward the rejection to the appointing authority and request a new nominee be submitted, or, in the event that the pertinent statute permits, the Senate may select a substitute appointment.

RULE 34. The final question upon every bill or resolution requiring three readings prior to passage shall be put in this form: "Shall the bill (or resolution) be read a third time?" No amendment shall be received for discussion after the third reading of any bill, resolution, amendment or motion, except by unanimous consent of all members present; but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment, or motion, to move its recommitment, and if such recommitment takes place and an amendment is reported by the committee, the said bill, resolution, constitutional amendment, or motion shall be again read a second time, and then the aforesaid question shall be put.

RULE 35. (a) Prior to the 28th legislative day, all amended bills shall be correctly engrossed prior to transmittal to the House of Representatives.

(b) During a regular session, no bill that has originated in the Senate shall be sent to the House of Representatives for its first reading in the House after the Senate adjourns on the 26th legislative day.

**RULE 36.** No motion to alter, modify, or amend any rule or any part thereof shall be in order except on one day's notice in writing, which notice shall specify precisely the rule or part thereof proposed to be suspended, modified, or amended. Before any vote shall be taken on such motion, it shall be first referred to the Committee on Rules, and said committee must report thereon. Any rule may be suspended by the consent of the Senate unless one or more Senators object thereto. Any Senators objecting to a suspension of the rules will be identified by name and upon request of any other Senator, the name of any objecting Senator shall be entered into the record. Any change or alteration of the rules shall be decided by a majority vote after proper consideration by the Committee on Rules.

**RULE 37.** During the period between the end of the regular session and the convening of the next regular session, members may deliver bills to the Secretary of the Senate, which shall be known as "pre-filing." Such bills shall be numbered by the Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session; provided, however, that no bill shall be pre-filed under this Rule after the commencement of the last regular session of the Legislature in any quadrennium and before the organizational session following general election.

### **RULES RELATING TO SENATORS**

**RULE 38.** No Senator shall absent himself or herself from the service of the Senate for as long as one day, without leave of the Senate first obtained. In case a lesser number than a quorum of the Senate shall convene, they are hereby authorized to send the Doorkeeper or some other person for any or all absent Senators, as the majority of the Senators present shall agree. The expense of sending for an absent Senator shall be paid by the absentee, unless an excuse for non-attendance shall be made, as a quorum of the Senate shall judge sufficient. In which event, the expense of securing the attendance of such absent Senator shall be paid out of funds appropriated for the Legislature.

**RULE 39.** When the yeas and nays shall be called for by three or more Senators, each Senator called upon shall, unless for special reasons be excused by the Senate, declare openly and without debate, his

or her assent or dissent to the question. No members shall be permitted to vote after the decision is announced from the chair. In taking the yeas and nays, and upon the call of the Senate, the names of the Senators shall be called alphabetically.

**RULE 40.** No member shall speak more than twice on any question under debate and none shall, without leave of the Senate, speak for more than one hour at each time; provided, however, debate on resolutions and debatable motions, other than motions for the adoption of an amendment to a bill or substitute, a substitute to a bill, the bill itself, motions to concur or nonconcur, or motions to adopt a resolution to confirm an appointment, shall be subject to a reasonable time limit at the discretion of the President. The originator of the pending question, or the Chairperson of the Committee reporting the measure, shall have the right to conclude the debate.

**RULE 41.** Senators engaged in debate shall refrain from engaging in abusive and derogatory language in reference to other Senators and shall immediately be called to order by the presiding officer if such practice prevails. When a Senator shall be called to order by the President, he or she shall immediately sit down; however, the Senator will not lose his or her place and may resume the microphone at the direction of the presiding officer. Senators engaged in debate shall address each other by their official title and last name or reference their geographical district of representation.

**RULE 42.** The Secretary shall cause to be printed for the use of each Senator, and each Senator shall promptly execute, a form on which there shall appear a place for the signature of such Senator and above it a statement of the names and addresses of each public utility, public service, or quasi-public corporation, and any other person, firm or corporation engaged in any business or industry subject to regulation by the Alabama Public Service Commission with which the Senator may have been, at that time or any time within one year prior to the convening of the first regular session of each quadrennium, connected, as agent, employee, officer, director or attorney, or from which he or she receives, or has during such time received compensation, direct or indirect, or has received a pass or rate concession or reduction of any nature whatsoever. If no such connection exists, a statement to that effect shall be made. Executed forms, and an unfilled form bearing the name of each Senator who fails to execute a form, shall be bound in alphabetical order, in a permanent volume, on or before the fifth legislative day of the first regular session of each quadrennium, which volume shall be kept open to public inspection in the office of the Secretary while the Senate is in session and shall be thereafter deposited with the per-

manent records of the Legislature.

### **RULES RELATING TO PRESIDING OFFICER**

**RULE 43.** In the absence of the President when the Senate convenes, the President Pro Tempore shall preside except as provided for in Rule 1; however, any other rule to the contrary notwithstanding, the President shall have the right to name a member to perform temporarily the duties of the Chair.

**RULE 44.** All questions shall be put by the Chair, and members shall signify assent or dissent by answering yea or nay. If those who vote are sufficient in number to show that a majority constituting a quorum so acted, those who thus voted only shall be counted as constituting the house for the purpose of that vote; but when any question is put and a quorum is not recorded as voting, the Chair shall, before announcing the vote, on his or her own motion or on suggestion of any Senator, instruct the Secretary to record as present a sufficient number of those Senators physically present to constitute a quorum, though all present are not participating in the vote.

**RULE 45.** Every question of order shall be decided by the Chair without debate, subject to an appeal to the Senate, which appeal must be made the same legislative day. The Chair may call for the sense of the Senate on any question of order or on any other matter properly before the Senate.

**RULE 46.** Any other rule to the contrary notwithstanding, when two or more Senators rise at the same time, the Chair shall name the Senator who is to speak first.

**RULE 47.** The Chair shall give notice at each reading of a bill whether it be the first, second, or third.

**RULE 48.** (a) All committees of the Senate and the Chairperson, Deputy Chairperson, Vice Chairperson, Subcommittee Chairperson, and members thereof shall be named by the President elected to serve for the quadrennium concurring with the term of the Senators adopting these rules and shall serve at the pleasure of the President; provided, however, that the removal of any Senator from any committee position shall be subject to the consent of a majority of the members elected and such vote shall take place upon the same day as the filing of said motion for removal by the President.

(b) The President of the Senate shall appoint the position of

Senate Floor Leader. This appointment shall be for the quadrennium and shall be for the purpose of serving as liaison to assist the Senate President Pro Tempore with the relationship between the Senate and the House Leadership. The Senate Floor Leader will additionally be responsible for other duties as the President of the Senate may assign from time to time. A Secretary will be provided by the Secretary of the Senate.

### **RULES RELATING TO COMMITTEES**

**RULE 49.** There shall be twenty-three (23) standing committees on the following subjects:

(1) Economic Affairs, to which committee shall be referred all bills pertaining to Alabama's industrial bond programs, expansion of existing industry or business, international and domestic trade, the state's consumer involvement in the purchase or use of consumer goods and services and any bill deemed appropriate by the President of the Senate. The Committee on Economic Affairs shall consist of five (5) members.

(2) Banking and Insurance, to which committee shall be referred all bills and other matters concerning: banks, banking, savings and loan associations, credit unions, and other financial institutions in this State, including the small loan business; and all bills and other matters concerning the business of insurance in Alabama, including bills and other matters relating to private pension and retirement systems. There shall be two (2) Subcommittees of the Committee on Banking and Insurance: Banking; and Insurance, each of which shall consist of a Chairperson and two (2) other committee members. The Subcommittee on Banking shall deal with bills pertaining to banks, savings and loan associations, credit unions, and other financial institutions. The Subcommittee on Insurance shall deal with bills pertaining to the business of insurance. The Committee on Banking and Insurance shall consist of seven (7) members.

(3) Rules, which committee shall have supervision over the Revision of the Journal, Enrolled Bills, and Engrossed Bills. In addition, the Committee on Rules shall consider and report on matters required by the rules of the Senate, as follows: Motions or resolutions to set aside a regular order of business (Rule 9); motions for placing bills on the Consent Calendar (Rule 14); motions or resolutions for a Special Order (Rules 9 and 13); special rules that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure (Rule 21); executive nominations and appointments (Rule 33); propositions to suspend, modify, or amend any rule or any part thereof (Rule 36); all resolutions that may be referred to it (Rule 55). Also, the Committee on



Rules shall render advisory opinions to any lobbyist who seeks advice about the rules relating to lobbying, and the committee shall make recommendations regarding the imposition of penalties prescribed for violations of the rules relating to lobbying (Joint Rules 18 and 20). In addition to a Chairperson, the President of the Senate shall also appoint a Deputy Chairperson, who shall assist the Chairperson in the formulation of the agenda and shall also serve as Chairperson of the Committee on Confirmations (Rule 49(5)), and a Vice Chairperson, who shall serve as an ex officio voting member of each standing committee. The Committee on Rules shall consist of eleven (11) members.

(4) Health, to which committee shall be referred all bills and other matters concerning the health of the people of Alabama. The Committee on Health shall consider bills and other matters relating to medical care, hospitals, and other health care facilities, the mental health program, and mental institutions, and other health care programs in general. There shall be one (1) Subcommittee of the Committee on Health: Mental Health, which shall consist of a Chairperson and two (2) other committee members. The Subcommittee on Mental Health shall deal with bills relating to the mental health program and mental institutions of this state. The Committee on Health shall consist of nine (9) members.

(5) Confirmations, which shall deal with nominations and appointments (Rule 33), and is empowered to hold hearings and take testimony regarding those matters where deemed appropriate. The Committee on Confirmations shall consist of a Chairperson, who shall also serve as the Deputy Chairperson of the Committee on Rules, and four (4) other members, two of whom shall be the Chairperson and Vice Chairperson of the Committee on Rules, and two of whom shall be appointed by the President of the Senate, for a total of five (5) members.

(6) Finance and Taxation, to which committee shall be referred all bills and other matters concerning the revenues, appropriations (except a bill or resolution carrying an appropriation which may be first referred to another committee as authorized by Rules 54 and 75 (2)), expenditures, and public debts of the State, and the administration of the State's taxation and revenue law, including measures that would require new expenditures or increases in appropriations of state funds or that would affect any reduction in state revenue. In addition, the Committee on Finance and Taxation shall consider and report on all bills and resolutions carrying appropriations, previously referred to another committee, as authorized by Rules 54 and 75 (b). The Committee shall consist of twenty-six (26) members.

The Finance and Taxation Committee shall be divided into two (2)

fifteen (15) member subcommittees. The Chairperson and Deputy Chairperson of the Finance and Taxation Committee shall serve as voting members of both subcommittees. The Chairperson of the Finance and Taxation Committee, or, in the event of his or her absence, the Deputy Chairperson shall preside at meetings of both subcommittees. The President of the Senate shall also appoint a Vice Chairperson of each subcommittee. One Subcommittee shall be referred to as the Finance and Taxation Subcommittee on Education and the other Subcommittee shall be referred to as the Finance and Taxation Subcommittee on General Funding. In addition to each subcommittee Chairperson being a voting member of his or her subcommittee, he or she shall also be a voting member of the other subcommittee. The two respective subcommittees shall consider the two basic appropriations as separate and distinct entities. The Chairperson, in his or her complete discretion, shall refer all other bills assigned to the Finance and Taxation Committee to either of the two subcommittees. If either of the two subcommittees vote to give a favorable report to its respective bills, then the bill shall be reported out favorably by the committee to receive its second reading.

(7) Judiciary/Criminal Justice and Public Safety, to which committee shall be referred bills and other matters concerning law enforcement, criminal justice, penal and correctional institutions and programs, and the Pardon and Parole Board. There shall be two (2) Subcommittees of the Committee on Judiciary/Criminal Justice and Public Safety: Law Enforcement; and Penal and Correctional Institutions, each of which shall consist of a Chairperson and two (2) other committee members. The Subcommittee on Law Enforcement shall deal with bills relating to law enforcement matters and the criminal judicial system. The Subcommittee on Penal and Correctional Institutions shall deal with bills pertaining to the correctional institutions and programs in the state. The Committee on Judiciary/Criminal Justice and Public Safety shall consist of seven (7) members.

(8) Judiciary/Civil, to which committee shall be referred bills and other matters concerning court administration, the judiciary, and civil judicial proceedings. There shall be one (1) Subcommittee of the Committee on Judiciary/Civil: Court Administration, which shall consist of a Chairperson and two (2) other committee members. The Subcommittee on Court Administration shall deal with bills relating to court operations and the Administrative Office of Courts. The Committee on Judiciary/Civil shall consist of seven (7) members.

(9) Governmental Affairs/State Administration, to which committee shall be referred bills and other matters concerning the organization and operation of State government, including matters relating to the organization, reorganization, establishment, or abolition of any depart-

ment, board, commission, or other agency of State government, and matters pertaining to the merit system, or otherwise related to employment in the state civil service. There shall be one (1) Subcommittee of the Committee on Governmental Affairs/State Administration: Military Affairs, which shall consist of a Chairperson and two (2) other members. The Subcommittee on Military Affairs shall deal with all bills relating to military affairs and the National Guard. The Committee on Governmental Affairs/State Administration shall consist of seven (7) members.

(10) Governmental Affairs/Local Government, to which committee shall be referred bills and other matters concerning the organization and government of any incorporated municipality in the State of Alabama, and matters relating to the organization and government of counties in Alabama. There shall be two (2) Subcommittees of the Committee on Governmental Affairs/Local Government: Municipal Government; and County Government, each of which shall consist of a Chairperson and two (2) other committee members. The Subcommittee on Municipal Government shall deal with matters pertaining to the organization and operation of municipal government. The Subcommittee on County Government shall deal with matters pertaining to the organization and operation of county government. The Committee on Governmental Affairs/Local Government shall consist of seven (7) members.

(11) Energy and Natural Resources, to which committee shall be referred all bills dealing with the protection, preservation and utilization of Alabama's natural resources or other appropriate matters. There shall be three (3) Subcommittees of the Committee on Natural Resources: Mining and Reclamation; Oil and Gas; and Waterways, each of which shall consist of a Chairperson and two (2) other members. The Subcommittee on Mining and Reclamation shall deal with bills regulating the mining and reclamation of any minerals located in Alabama. The Subcommittee on Oil and Gas shall deal with bills pertaining to the exploration, capture and utilization of oil and natural gas that is located in Alabama. The Subcommittee on Waterways and Coastal Waters shall deal with all bills regulating the use of Alabama's navigable waterways, with the exception of coastal waters conservation. The Committee on Energy and Natural Resources shall consist of seven (7) members.

(12) Agriculture, Conservation, and Forestry, to which committee shall be referred all bills and other matters concerning agriculture in the State of Alabama, and all bills and other matters of the state relating to forestry, fish and game, soil conservation and coastal waters conservation. There shall be three (3) Subcommittees of the Committee on Agriculture, Conservation, and Forestry: Agriculture; Coastal Waters

Conservation; and Forestry, Fish and Game, each of which shall consist of a Chairperson and two (2) other committee members. The Subcommittee on Agriculture shall deal with bills pertaining to agricultural and farming operations in the state. The Subcommittee on Coastal Waters Conservation shall deal with bills pertaining exclusively to coastal waters conservation, such as the regulation of commercial and game fishing in Alabama's coastal waters. The Subcommittee on Forestry, Fish and Game shall deal with bills relating to forestry, fish and game. The Committee shall consist of seven (7) members.

(13) Public Welfare, to which committee shall be referred all bills and matters that relate to the operation of all programs managed by the Department of Human Resources, or to the affairs of senior citizens, or any other matter which affects the welfare of the State of Alabama and the citizens therein. There shall be two (2) Subcommittees of the Committee on Public Welfare: Aging; and Human Resources, each of which shall consist of a Chairperson and two (2) other members. The Subcommittee on Aging shall deal with matters pertaining to the affairs of senior citizens and aging. The Subcommittee on Human Resources shall deal with matters pertaining to programs operated by the Department of Human Resources. The Committee on Public Welfare shall consist of five (5) members.

(14) Education, to which committee shall be referred all bills and other matters concerning primary, secondary, post secondary, and higher education, and other institutions and matters directly related to education. There shall be two (2) Subcommittees of the Committee on Education: Primary and Secondary Education; and Post-Secondary and Higher Education, each of which shall consist of a Chairperson and two (2) other members. The Subcommittee on Primary and Secondary Education shall deal with matters relating to primary and secondary education, and the institutions and agencies therein involved. The Subcommittee on Post-Secondary and Higher Education shall deal with matters pertaining to post-secondary and higher education, and the institutions and agencies therein involved. The Committee on Education shall consist of nine (9) members.

(15) Business and Labor Relations, to which committee shall be referred all bills and other matters concerning the conditions and interests of labor, including unemployment compensation, workmen's compensation industrial relations. The Committee on Business and Labor Relations shall consist of five (5) members.

(16) Commerce, Transportation, and Utilities, to which committee shall be referred all bills and other matters concerning commerce,

motor vehicles, traffic regulation, highways, railways, airports and air transportation facilities, and all matters related to common carriers or other forms of transportation; all bills and other matters concerning utilities and utility systems within the state; and bills relating to ports, harbors and docks. There shall be four (4) Subcommittees of the Committee on Commerce, Transportation and Utilities: Highway and Traffic Regulations, Railways; Airports and Air Transportation; and Public Utilities, each of which shall consist of a Chairperson and two (2) other members. The Subcommittee on Highways and Traffic Regulations shall deal with matters relating to highways, traffic regulations, and motor vehicles. The Subcommittee on Railways shall deal with matters pertaining to railroad operations within the state. The Subcommittee on Airports and Air Transportation shall deal with matters relating to air transportation and the operation of airports within the state. The Subcommittee on Public Utilities shall deal with matters pertaining to public utilities and utility systems within the state. The Committee on Commerce, Transportation, and Utilities shall consist of seven (7) members.

(17) State Development and Tourism, to which committee shall be referred bills pertaining to economic development, all bills relating to tourism in the State of Alabama, as well as all bills relating to parimutuel betting, gambling or games of chance as provided for in Rule 51. The Committee on State Development and Tourism shall consist of five (5) members.

(18) Small Business, to which committee shall be referred all bills and other matters pertaining to the preservation, fostering, and promotion of small business in the State of Alabama, and other appropriate matters. The Committee on Small Business shall consist of five (5) members.

(19) Constitution and Elections, to which committee shall be referred bills and other matters concerning elections, and proposed amendments to the Constitution of Alabama, as well as bills proposing a new Alabama Constitution and resolutions or bills calling for the convening of a constitutional convention for the purpose of rewriting the Alabama Constitution. The Committee on Constitution and Elections shall consist of five (5) members.

(20) Industrial Development and Expansion, to which committee shall be referred bills pertaining to industrial development, the Alabama Development Office, the expansion of existing industry, and any other matters promoting economic growth, including, but not limited to, the improvement of the image of the state, the recruitment of foreign and

domestic industrial prospects, and the study of economic development efforts by other states, localities, and regional organizations. The Committee on Industrial Development and Expansion shall consist of seven (7) members.

(21) Consumer Affairs, to which committee shall be referred all bills and other matters which affect Alabama consumers involved in the purchase or use of consumer goods or services. The Committee on Consumer Affairs shall consist of five (5) members.

(22) Local Legislation No. 1, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of less than 300,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 1 shall consist of seven (7) members.

(23) Local Legislation No. 2, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of 500,000 or more. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 2 shall consist of six (6) members.

(24) Local Legislation No. 3, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of between 300,000 and 500,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 3 shall consist of four (4) members.

**RULE 50.** (a) No committee, with the exception of the Committee on Rules, shall meet on the Senate floor while the Senate is in session. No committee shall meet off the Senate floor while the Senate is in session unless the time and place shall be previously announced by the presiding officer.

(b) Each committee shall have investigatory powers and is authorized to hold hearings on any subject under its jurisdiction, to require attendance, upon appropriate notice, of State government officials and/or employees to give testimony at such hearings, and to formulate reports and recommendations regarding the activities or actions of such agency or department being investigated or reviewed by such committee.

(c) With the exception of the two (2) Subcommittees of the

Committee on Finance and Taxation, the procedures governing subcommittees shall operate in the following manner. The Chairperson of a standing committee containing subcommittees may assign any bill referred to the whole committee to one of its subcommittees. All rules governing the meetings of committees apply to subcommittees, except as hereinafter stated. If a subcommittee gives a bill a favorable report, the full committee must still take action on the bill before it can be favorably reported for its second reading. However, the Chairperson of a committee shall have the option of removing a bill that was previously assigned to a subcommittee so that the full committee can take action on said bill.

**RULE 51.** Any bill providing for or dealing with parimutuel betting, gambling or games of chance shall first be assigned to the appropriate Local Legislation Committee. If the appropriate Local Legislation Committee gives the bill a favorable report, said bill shall then be referred to the appropriate standing committee and be treated in all further respects as a general bill.

**RULE 52.** (a) Every bill, petition, memorial, or other paper shall, upon the first reading thereof, be referred by the President or presiding officer to a standing committee having the subject matter thereof for consideration.

(b) The drafts of all bills which are for introduction at any session of the Legislature, and which are not prepared by the Legislative Reference Service, must be presented to the Legislative Reference Service for review of proper form and for entry into the Legislative Data Bank at least two (2) legislative days prior to introduction.

**RULE 53.** When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be put first. A select committee is a committee appointed by the Chair to study one specific question and ceases to exist when the purpose for which it was selected has been resolved.

**RULE 54.** A bill or resolution carrying an appropriation may be referred to a committee other than the Committee on Finance and Taxation if the subject matter requires such referral in the judgment of the presiding officer. However, such bill or resolution may also be referred to (on a motion proposed by a member and approved by majority vote) and reported by the Committee on Finance and Taxation after being given a second reading.

**RULE 55.** All resolutions shall be referred to and reported from

the Committee on Rules before consideration by the Senate. This rule shall not apply to resolutions requiring immediate consideration. Resolutions of congratulation, commendation or sympathy may be reported by the Committee on Rules, in resolution form, en masse for adoption by the Senate; provided, however, any such resolution so reported, which requires action other than congratulating, commending or expressing sympathy, shall be void ab initio.

RULE 56. When a bill has been acted upon by a standing committee, the committee's Chairperson shall endorse on said bill:

This bill was referred to the Standing Committee of the Senate on \_\_\_\_\_ and was acted upon by such Committee in session and is by order of the Committee returned therefrom with \_\_\_\_\_ report by a vote of yeas \_\_\_\_ nays \_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_

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Chairperson

RULE 57. The final vote of a committee on a bill shall be recorded and kept as a permanent record in the office of the Secretary of the Senate. No bill shall receive its second reading without the final vote of a committee attached thereto. This rule shall not apply to local bills.

RULE 58. A committee may return a bill or resolution for its second reading without recommendation which shall constitute action by such committee.

RULE 59. No bill shall be reported out of committee by any means without having been considered and acted upon at a meeting of the committee to which such bill was assigned.

RULE 60. The Committee on Rules may report at any time.

RULE 61. Whenever the Chairperson of any committee shall refuse to call a meeting of such committee, then a majority of the members of the committee may call a meeting by giving one day's written notice setting the time and place for such meeting. Such notice shall be read by the Secretary and posted in the Senate Chamber. Whenever the Chairperson and Vice Chairperson are absent at any committee meeting, a majority of a committee may designate any member of the committee as Acting Chairperson for that particular meeting only.

RULE 62. When the Chairperson of a committee has scheduled a public hearing to be held on any bill and the hearing has been announced, the hearing may be convened and held with a minimum of one-third of the membership of such committee present.



**RULES RELATING TO THE SECRETARY  
AND THE JOURNAL**

RULE 63. The proceedings of the Senate, when not in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account thereof. Every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each item of legislation presented to the Senate shall be inserted thereon.

RULE 64. The titles of bills and such parts thereof only as shall be affected by proposed amendments shall be inserted in the journal.

RULE 65. The Secretary shall, on the introduction of bills, make a photocopy of each bill to be designated as a second official copy, and shall make an entry in the journal as follows:

**"INTRODUCTION OF BILLS**

"Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows: (Here set out the number, title and sponsors of each bill introduced and the name of the committee to which it was referred. The name of the chief sponsor shall be underscored on the original bill.)"

RULE 66. When a bill shall be returned from a standing committee, the Secretary shall make the journal read:

"Senator \_\_\_\_\_, Chairperson of the standing committee on \_\_\_\_\_, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a \_\_\_\_\_, and they were severally read a second time and placed on the calendar, to-wit: ".

RULE 67. On the signing of bills or resolutions, the Secretary shall make the journal read:

**"SIGNING OF BILLS (OR RESOLUTIONS)**

"The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills (or resolutions), the titles of which are set out in the foregoing (Message) from the House, or Report from the Committee on

Rules as the case may be."

**RULE 68.** Messages shall be sent to the House of Representatives by the Secretary, who shall endorse the final determination of the Senate thereon.

**RULE 69.** The Secretary shall provide the Chairperson of each standing committee with a stamp with which to make endorsements on bills. Each standing committee of the Senate shall be furnished a secretary or clerk by the Secretary of the Senate. Office space shall be provided to the President Pro Tempore and to the Chairpersons of standing committees as such space is made available to the Senate.

**RULE 70.** Upon adjournment of the Senate, the Secretary shall enter on the journal the hour of adjournment and the name of the member on whose motion adjournment was adopted.

**RULE 71.** If a Senator be called to order by a Senator for words spoken, the exceptional words shall be taken down immediately in writing by the Secretary. The presiding officer shall then judge the matter, and rule accordingly.

**RULE 72.** The Secretary shall furnish to the members daily a printed calendar of all bills and resolutions on third reading and such calendar shall be designated "Regular Order Calendar." The bills and resolutions listed therein shall be arranged in the order in which they are entitled to consideration.

The Secretary also shall furnish to the members daily a printed calendar designated as "Consent Calendar" which shall list all bills placed thereon by the Committee on Rules and those bills which are pending for placement on the said Consent Calendar.

The Secretary also shall furnish to the members daily a printed list of those bills which are being held in Rules Committee for placement on the Consent Calendar as prescribed in Rule 14.

In the event a Special Order Calendar is adopted for more than one day, but is not a continuing order of business until disposed of, then such bills on special order shall be returned to their original position on the Regular Order Calendar occupied by them before the adoption of the special order. Whenever the calendar contains more than twenty-five (25) pages, numerical index of all Senate and House bills contained in that day's calendar (with the number of the page on which the bill appears in the calendar printed opposite the bill's assigned number) shall

be printed on the last pages of that day's calendar, or on a separate pamphlet which can be slipped into the back of the calendar.

**RULE 73.** The Secretary shall cause to be printed and distributed among the members of the Senate a pocket-sized book or pamphlet, which shall include the following information: (a) a picture and brief biography of each Senator, his or her address, home and business phone, and committee assignments; (b) a list of Senate committees and their memberships; (c) Senate and joint rules; (d) a brief explanation of the legislative process including legislative powers, qualifications, and duties of legislators; and (e) instructions for the drafting of bills.

**RULE 74.** The Secretary shall not employ any person as a page who is under the age of twelve (12) years.

**RULE 75.** (a) Every bill before any vote is taken thereon by the Senate must have endorsed thereon or attached thereto a reliable estimate of the amount of money involved therein, and the anticipated increase or decrease in revenue collections under the provisions of the bill. All fiscal notes provided for in this rule and other rules of the Senate must be prepared by or certified by the chief legislative fiscal officer as being substantially accurate to the best of his or her knowledge, information and belief. The fiscal note shall also be prepared by or under the supervision of the standing committee to which the bill is referred. The fiscal note shall be endorsed on the bill or attached thereto, and shall be printed on the calendar of bills on third reading immediately following the title of the bill. Any bill on second reading not having a fiscal note affixed thereto shall be recommitted to the Committee from whence it came. (No bill shall be given its third reading, unless it has affixed thereto a valid fiscal note.)

(b) All resolutions creating a committee or program wherein the expenditure of funds out of the state treasury is authorized must contain the same fiscal note as defined in paragraph (a) above and must be referred to the Committee on Rules.

**RULE 76.** No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar. Further provided that Rule 36, relative to the provision that one Senator may object to suspension of the rules, shall not be applicable to resolutions pertaining to budget isolation and said resolution shall be considered at such time as the bill is called for third reading, notwithstanding the provision of Rule 55. Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Secretary of the Senate.

**RULE 77.** The indices of the Senate Journals shall include a topic index of all bills referenced in the journals, a numerical index, a sponsor index and an index of "Miscellaneous Subjects." The indices shall be distinguished from the textual material by the use of paper of a distinctive color and the indices shall be prefaced by a page of explanatory material that will instruct a person totally unfamiliar with the journals on the most efficient means of locating particular items of information. Speeches received in the two houses in joint sessions and printed in full in the House Journal shall carry an abridged statement in the Senate Journal and a distinct reference to the full text in the House Journal.

**RULE 78.** When any question may have been decided by the Senate in which more than a majority of the members present are necessary to carry the affirmative, any Senator who voted on the side that prevailed in the question may move for a reconsideration, and such motion shall be decided by a majority vote.

**RULE 79.** Senate Resolutions of commendation, congratulations, or sympathy may be prepared during interim periods and certified by the Secretary but shall not be entered into the Journal of the Senate. These resolutions are prepared by the Secretary as a courtesy for individual Senators and are not acted upon by the entire Senate.

On motion of Senator Figures, the Resolution, SR 18, was postponed until the Second Legislative Day.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Clark (J), Harper, Butler, Williams, Johnson, Hooper, Haynes, Dolbare, Hogan, Freeman, Letson, Rogers (F), Millican, Rogers (J), Barnes, Curry, Powell, McClain, Turnham, Carter, Cagle, Starkey, Smith (C), Hall, Flowers, Higginbotham, Carothers, Hawkins, Gullatt, Parker (P), Beasley, Penry, Kennedy, Black (M), Kvalheim, Zoghby, Rockhold, Harvey, Campbell, Fuller, Newman, Mathis, Gaston, Morrow, McDaniel, Ford, Burke, Box, Hamilton, Hammett, Walker, McKee, Newton (C), Richardson, Rich, Parker (T), Blakeney, McMillan, Black (L), Cosby, Lindsey, Buskey (JL), Clark (W), Layson, Bryant, Sanderford, Brooks, Smith (R), Melton, Venable, Cullins, Turner, Goodwin, Mikell, Spratt, Bowling, Thomas, Carns,

**1st Day**

Bugg, Willis, Laird, Poole, Knight, Holmes, Anderson, Biddle, Buskey (JE), Clay, Crow, Drake, Gaines, Grayson, Hill, Holladay, Holley, McDowell, Morton, Newton (D), Payne, Perdue, Petelos, Sanderson, Warren, and White:

**HJR 9. EXPRESSING THE LEGISLATURE'S SUPPORT OF  
PRESIDENT BUSH AND OF U. S. TROOPS IN SAUDI ARABIA.**

JOHN W. PEMBERTON  
Clerk.

**HOUSE MESSAGE**

On motion of Senator deGraffenried, the Resolution, HJR 9, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**ADJOURNMENT**

At 2:10 P.M., on motion of Senator deGraffenried, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Wednesday, January 9, 1991, at 10:15 A.M.

**SECOND LEGISLATIVE DAY**  
**WEDNESDAY, JANUARY 9, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Jiles Williams, Jr., Pastor, New Providence Baptist Church, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Toni Pappas, of the Senate Staff.

**ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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**JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**RECESS**

At 10:16 A.M., on motion of Senator deGraffenried, in accordance with HJR's 6, 7, and 8, the Senate took a recess until the completion of the Joint Session to witness the opening and publishing of returns, to receive the report of the Alabama Commission on Tax and Fiscal Policy Reform, and to receive the report of the Joint Interim Committee to Study the Funding and Allocation of Revenues for Elementary/Secondary Schools in Alabama.

### JOINT SESSIONS

At 10:15 A.M., in accordance with Joint Resolution heretofore adopted the Senate repaired to the Hall of the House of Representatives for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the general election held on November 6, 1990, as required by Section 115 of the Constitution of Alabama.

The Session was called to order by the Honorable James E. Folsom, Jr., President and Presiding Officer of the Senate, who directed the Secretary of the Senate to call the roll of the Senate, when the following members answered to their names:

Senators: Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom.

The Speaker of the House then directed the Clerk of the House to call the roll of the House of Representatives, when the following members of the House answered to their names:

Reps.: Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

The President and Presiding Officer of the Senate announced that there was a quorum of the Legislature of Alabama present, and that the purpose of the Joint Session was to open the returns of, count, ascertain, and proclaim the results of the election held on the 6th Day of November, 1990, for executive officers of the State of Alabama.

The Speaker of the House of Representatives then proceeded to open and publish in the presence of the Legislature of Alabama, and in the presence of a majority of the members of the Legislature of Alabama in joint convention assembled, the returns of the election held on the 6th day of November, 1990, for Executive Officers for the State of Alabama, to-wit: For Governor, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, State Treasurer, and Commissioner of Agriculture and Industries.

(See House Journal for Tabulation of Votes.)

The Speaker of the House of Representatives, the Honorable James C. Clark, then declared that the Honorable Guy Hunt, the Honorable James E. Folsom, Jr., the Honorable James H. Evans, the Honorable Billy Joe Camp, the Honorable Terry Ellis, the Honorable George C. Wallace, Jr., and the Honorable A. W. Todd, were duly and constitutionally elected to the office of Governor, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, State Treasurer, and Commissioner of Agriculture and Industries.

At 10:30 A.M., in accordance with Joint Resolution heretofore adopted the Honorable C. C. "Bo" Torbert, Jr., delivered and summarized the written recommendations and analyses of the Alabama Commission on Tax and Fiscal Policy Reform.

At 11 o'clock A.M., in accordance with Joint Resolution heretofore adopted the Honorable Frank H. McFadden delivered and summarized the report of findings, conclusions and recommendations from the Joint Interim Committee to Study the Funding and Allocation of Revenues for Elementary/Secondary Schools in Alabama.

The purposes of the Joint Session having been accomplished, the Senate returned to its Chamber and at 11:40 A.M., was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### RECESS

At 11:41 A.M., on motion of Senator deGraffenried, the Senate took a recess until 1:30 P.M.

At 1:30 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### FURTHER CONSIDERATION OF SR 18

The Senate proceeded to further consideration of the Resolution:



**SR 18. ADOPTION OF SENATE RULES.**

Senator Corbett moved that the Resolution, SR 18, be postponed temporarily, which motion was adopted.

**FURTHER CONSIDERATION OF SJR 6**

The Senate proceeded to further consideration of the Resolution:

**SJR 6. REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE COSTS OF ALL LEGAL SERVICES PERFORMED FOR THE STATE OF ALABAMA DURING PAST QUADRENNIUM.**

Senator Ellis offered the following substitute for the Resolution, SJR 6, to-wit:

**SUBSTITUTE FOR SJR 6**

**SJR 6. REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE COSTS OF ALL LEGAL SERVICES PERFORMED FOR THE STATE OF ALABAMA DURING PAST TWO QUADRENNIUMS.**

WHEREAS, the Alabama Legislature, in order to promote greater fiscal responsibility, deems it in the State's best interest to ascertain the legal costs for services rendered to the State of Alabama, its various agencies, departments and commissions, including the Legislature, its committees and individual members; and

WHEREAS, it is difficult for the Alabama Legislature to determine with exactitude the amounts incurred for legal services by the State, its various agencies, departments and commissions, including the Legislature, its committees and individual members, due to increased complexity in the form of legal representation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature hereby directs, authorizes and empowers the Attorney General of the State of Alabama to make an investigation of the costs of all legal services performed during the past two quadrenniums for the State of Alabama, its various agencies, departments, and commissions, including the Legislature, its committees and individual members, and report his findings to the Legislature on the first legislative day of the 1991 Regular Legislative Session, to-wit, April 16, 1991.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be forwarded to the Attorney General.

Which was adopted.

And on motion of Senator Corbett, said Resolution, SJR 6, as thus amended by the substitute, was then adopted.

Senators deGraffenried, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom offered the following Senate Resolution, to-wit:

**SR 19. CONGRATULATING OUR COLLEAGUE SENATOR ALBERT LIPSCOMB ON HIS BIRTHDAY, JANUARY 9, 1991.**

Which was adopted.

**FURTHER CONSIDERATION OF SR 18**

The Senate proceeded to further consideration of the Resolution, SR 18.

Senator Parsons offered the following substitute for the Resolution, SR 18, to-wit:

**SUBSTITUTE FOR SR 18**

**SR 18. ADOPTION OF SENATE RULES.**

**RESOLVED BY THE SENATE OF ALABAMA,** That the following be adopted as the Rules of the Senate for the quadrennium 1991-1994, to wit:

**GENERAL RULES OF ORDER  
AND PROCEDURE**

**RULE 1.** (a) The presiding officer shall call for a prayer to be delivered by the Chaplain of the Day.

(b) The presiding officer shall then call for recitation of the Pledge of Allegiance to the Flag of the United States of America.

(c) The President shall take his chair precisely at the hour to

which the Senate has been previously adjourned. However, in the absence of the President, the President Pro Tempore shall assume this duty. In the absence of both President and President Pro Tempore, this duty shall be the responsibility of the Committee Chairperson in the order listed in Rule \_\_\_\_\_. The President shall call the Senate to order and cause the roll to be called. If there is a quorum present, the Senate shall proceed with the transaction of its business, if there be no quorum present, a lesser number may adjourn from day to day and compel the attendance of absent members, as provided in Rule 38.

**RULE 2.** Unless it is otherwise specifically provided for by resolution or motion, the Senate shall meet at ten o'clock a.m., except on Mondays, when the Senate shall convene at twelve o'clock noon; however, the Senate shall meet at twelve o'clock noon on the first day of any organizational, special, or regular session.

**RULE 3.** When the question of a quorum has been requested, after the expiration of five minutes, the roll shall be called immediately and, if the absence of a quorum shall be determined, then the Senate shall stand in adjournment until the following calendar day unless otherwise provided for by resolution or motion.

**RULE 4.** No person shall be admitted to the floor of the Senate's Chamber while the Senate is in session except members. Former members of the Legislature and former Lieutenant Governors, the officers and employees of the two houses, the employees of the presiding officer, the Governor and his Secretary, representatives of the press, the directors and employees of the Department of Archives and History, the Chief Examiner and employees of the Department of Examiners of Public Accounts, and the Director and employees of the Legislative Reference Service and the Legislative Fiscal Officer and the employees of the Legislative Fiscal Office in aid of the Senate in its work shall also be admitted to the floor and all of whom shall be placed by the Secretary of the Senate. On the first legislative day of any regular, special or organizational session, the families of the members of the Senate shall have the privileges of the floor, but only for that specific legislative day. This rule shall be enforced by the Secretary of the Senate without such enforcement being suggested or requested by a member of the Senate.

**RULE 5.** Only the presiding officer of the Senate shall introduce visitors in the Senate gallery. Such introductions shall be made at the request of any Senator, but only at such time as will not interrupt or disturb the orderly transaction of the business of the Senate.

**RULE 6.** No person shall be allowed to lobby in the Senate's

chamber while the Senate is in session.

**RULE 7.** No motion shall be deemed in order to admit any person whomsoever within the doors of the Senate's chamber to present any petition, memorial, or address, or to have any such petition, memorial, or address read.

**RULE 8.** After reading the journal, the regular order of transacting business for the Senate shall be:

- 1st, Signing of bills;
- 2nd, Call of districts;
- 3rd, House messages;
- 4th, Reports from standing committees;
- 5th, Reports from select committees;
- 6th, Motions and resolutions;
- 7th, Uncontested local bills;
- 8th, Consent Calendar;
- 9th, Bills on third reading;
- 10th, Other business.

**RULE 9.** The regular order of business shall not be set aside except by a majority vote of the Senate, upon a resolution reported by the Committee on Rules. The reading of the journal, however, may be dispensed with on motion, which motion shall be decided without debate.

**RULE 10.** Under call of the districts, only bills shall be introduced.

**RULE 11.** No bills other than local, advertised or otherwise, shall be introduced in the Senate during a regular session after the Senate adjourns on the 24th legislative day.

**RULE 12.** The unfinished business in which the Senate was engaged at the last preceding adjournment shall have preference in the special orders of the day. This rule shall not apply to the eighth order of

business (Rule 8), the Consent Calendar, except as provided in subparagraph 7 of Rule 14.

**RULE 13.** Each motion or resolution for a bill to be placed on the Consent Calendar or for a special order shall be first referred to and reported from the Committee on Rules.

**RULE 14.** After a bill appears on the regular calendar, the sponsor of a Senate bill may, during the period for considering motions and resolutions, request that the bill be referred to the Committee on Rules for placement on the Consent Calendar. Any member of the Senate may, during the call for motions and resolutions, upon motion, request that a House Bill be referred to the Committee on Rules for inclusion in the Consent Calendar. The referral to the Committee on Rules shall be limited to considering the bill for placement on the Consent Calendar, except as provided in subparagraphs (4) and (7) of this rule. Such request shall be deemed a privilege and shall be subject to the following procedures:

(1) During each regular session each Senator is limited to three requests for Senate bills and three requests for House bills to be referred to the Committee on Rules for placement on the Consent Calendar, whether such bills are placed on said calendar or not; provided, however, upon suspension of the rules a Senator may be entitled to exceed the number of requests stipulated herein; it is expressly understood that the Consent Calendar will not be applicable during any special session.

(2) Unless the Clerk of the Committee on Rules receives written objections from two or more Senators, this bill will be automatically placed on the Consent Calendar; any objection must be received by the Clerk prior to the end of the second legislative day after the motion for placement on the Consent Calendar is made.

(3) If two or more written objections are received by the Clerk of the Committee on Rules, the request for placing the bill on the Consent Calendar shall fail automatically and the bill shall revert to the Regular Order Calendar when the Rules Committee next reports, under the fourth order of business (Rule 8); the Secretary shall place such bill at the end of the Regular Order Calendar.

(4) Bills on the Consent Calendar shall not be amended or substituted in any manner, nor subject to any motion except a motion to correct typographical, grammatical or technical errors, or a motion to suspend the rules, unless such motion shall be ruled by the Chair as

dilatory; provided, however, if a House bill, appearing on the Regular Senate Calendar, is identical in every respect and form to the Senate version, such bill may be offered as a substitute.

(5) The total time for debate on each bill shall not exceed thirty minutes, at which time a vote thereon shall be taken.

(6) The total time for consideration of the Consent Calendar shall not exceed two hours. If the two-hour period expires before the end of the time allotted in (5) above, the bill under debate shall be the first order of business on the Consent Calendar for the next day and prior time used for debate shall be deducted from the total allowed each bill; and each bill shall retain its position on said calendar until acted on by the Senate.

(7) Resolutions and local legislation shall not be eligible for placement on the Consent Calendar.

(8) A Senate bill must be submitted for placement on the Consent Calendar no later than the 12th legislative day and any Senate bill still on the Consent Calendar at the end of the 15th legislative day shall revert to the end of the Regular Order Calendar. A House bill must be submitted for placement on the Consent Calendar no later than the 22nd legislative day and any House bill still on the Consent Calendar at the end of the 25th legislative day shall revert to the end of the Regular Order Calendar. House bills on the Consent Calendar shall be considered for third reading only on the 20th and 25th legislative days.

**RULE 15.** Bills on third reading postponed to a day certain shall take precedence over other bills on third reading on such day, and from day to day thereafter until disposed of. Priority of postponed bills shall be in the order of their postponement.

**RULE 16.** When reports of standing committees are in order, the committee last occupying the floor shall be entitled to the floor.

**RULE 17.** Every motion shall be reduced to writing upon request of the presiding officer or of any Senator. Written motions shall be delivered to the Secretary at the desk and read before the same shall be debated.

**RULE 18.** Before any memorial or petition addressed to the Senate shall be received and read at the desk, a brief statement of its contents shall be made by the introducer.

**RULE 19.** When a question is under debate, no motion shall be

received but: (1) to adjourn, (2) adjourn to a day certain, (3) to lay on the table, (4) to postpone indefinitely, (5) to postpone to a day certain, (6) to commit, or (7) to amend, which several motions shall have precedence in the order they stand arranged. The motions to adjourn, to adjourn to a day certain, and to lay on the table shall always be in order and shall be decided without debate.

**RULE 20.** The motion to lay on the table an amendment or substitute shall not carry with it the original bill, resolution, or proposition.

**RULE 21.** The Committee on Rules may at any time report a special rule that debate on any measure shall cease at a certain hour and a vote be taken on the measure. In addition thereto a petition signed by eighteen or more Senators to the effect that debate on a pending measure shall cease at a certain hour and a vote be taken on the measure filed with the Secretary while the Senate is in session, shall have the same effect as a report of the Committee on Rules regarding debate. The consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon; and if three-fifths of the members elected shall vote to limit debate, then said rule shall have been adopted by the Senate.

**RULE 22.** Messages may be introduced at any stage of business, except while a question is being put, while the yeas and nays are being called, or while the ballots are being counted.

**RULE 23.** No discussion or debate shall be allowed while a vote is being taken.

**RULE 24.** Every bill on first reading shall be referred to a standing committee, and shall be read a second time when returned from the committee on any subsequent day.

**RULE 25.** When the reading of any paper is called for and the reading of same is objected to by a member, the question shall be determined by a vote of the Senate without debate.

**RULE 26.** If the question in debate contains several points, any member may call for a division. It shall not be in order, however, to move for a division of the question on a motion to strike out and insert.

**RULE 27.** The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall a subsequent motion simply to strike out prevent a subsequent motion to strike out and insert.

**RULE 28.** In filling blanks, the largest sum and longest times shall be put first.

**RULE 29.** When a vote has been taken on any question, other than a motion to adjourn, adjourn to a day certain, or to lay on the table, it shall be in order for any Senator of the majority to move for the reconsideration thereof. But no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion upon which the vote was taken shall have gone out of the possession of the Senate. Nor shall any motion for a reconsideration be in order unless it is made on the same day on which the vote was taken, or by twelve o'clock noon the next day, or one hour after the Senate convenes, if after twelve o'clock.

**RULE 30.** Resolutions proposing amendments to the Constitution or requiring the approbation or signature of the President or granting money out of funds appropriated for the Legislature shall be treated in all respects in the introduction and form of proceedings thereon as bills.

**RULE 31.** All motions to go into executive session shall be decided without debate.

**RULE 32.** Executive messages shall be considered with open doors unless it is otherwise requested in the message or otherwise ordered by a vote of the Senate.

**RULE 33.** All nominations and appointments shall be referred to, and be reported from the Committee on Rules before consideration by the entire Senate. If the Senate rejects a nomination or appointment, it will either forward its rejection to the Secretary of the Senate who shall forward the rejection to the appointing authority and request a new nominee be submitted, or, in the event that the pertinent statute permits, the Senate may select a substitute appointment.

**RULE 34.** The final question upon every bill or resolution requiring three readings prior to passage shall be put in this form: "Shall the bill (or resolution) be read a third time?" No amendment shall be received for discussion after the third reading of any bill, resolution, amendment or motion, except by unanimous consent of all members present; but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment, or motion, to move its recommitment, and if such recommitment takes place and an amendment is reported by the committee, the said bill, resolution, constitutional amendment, or motion shall be again read a second time, and then the aforesaid question shall be put.



**RULE 35.** (a) Prior to the 28th legislative day, all amended bills shall be correctly engrossed prior to transmittal to the House of Representatives.

(b) During a regular session, no bill that has originated in the Senate shall be sent to the House of Representatives for its first reading in the House after the Senate adjourns on the 26th legislative day.

**RULE 36.** No motion to alter, modify, or amend any rule or any part thereof shall be in order except on one day's notice in writing, which notice shall specify precisely the rule or part thereof proposed to be suspended, modified, or amended. Before any vote shall be taken on such motion, it shall be first referred to the Committee on Rules, and said committee must report thereon. Any rule may be suspended by the consent of the Senate unless one or more Senators object thereto. Any Senators objecting to a suspension of the rules will be identified by name and upon request of any other Senator, the name of any objecting Senator shall be entered into the record. Any change or alteration of the rules shall be decided by a majority vote after proper consideration by the Committee on Rules.

**RULE 37.** During the period between the end of the regular session and the convening of the next regular session, members may deliver bills to the Secretary of the Senate, which shall be known as "pre-filing." Such bills shall be numbered by the Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session; provided, however, that no bill shall be pre-filed under this Rule after the commencement of the last regular session of the Legislature in any quadrennium and before the organizational session following general election.

### RULES RELATING TO SENATORS

**RULE 38.** No Senator shall absent himself or herself from the service of the Senate for as long as one day, without leave of the Senate first obtained. In case a lesser number than a quorum of the Senate shall convene, they are hereby authorized to send the Doorkeeper or some other person for any or all absent Senators, as the majority of the Senators present shall agree. The expense of sending for an absent Senator shall be paid by the absentee, unless an excuse for non-attendance shall be made, as a quorum of the Senate shall judge sufficient. In which event, the expense of securing the attendance of such absent

Senator shall be paid out of funds appropriated for the Legislature.

**RULE 39.** When the yeas and nays shall be called for by three or more Senators, each Senator called upon shall, unless for special reasons be excused by the Senate, declare openly and without debate, his or her assent or dissent to the question. No members shall be permitted to vote after the decision is announced from the chair. In taking the yeas and nays, and upon the call of the Senate, the names of the Senators shall be called alphabetically.

**RULE 40.** No member shall speak more than twice on any question under debate and none shall, without leave of the Senate, speak for more than one hour at each time; provided, however, debate on resolutions and debatable motions, other than motions for the adoption of an amendment to a bill or substitute, a substitute to a bill, the bill itself, motions to concur or nonconcur, or motions to adopt a resolution to confirm an appointment, shall be subject to a reasonable time limit at the discretion of the President. The originator of the pending question, or the Chairperson of the Committee reporting the measure, shall have the right to conclude the debate.

**RULE 41.** Senators engaged in debate shall refrain from engaging in abusive and derogatory language in reference to other Senators and shall immediately be called to order by the presiding officer if such practice prevails. When a Senator shall be called to order by the President, he or she shall immediately sit down; however, the Senator will not lose his or her place and may resume the microphone at the direction of the presiding officer. Senators engaged in debate shall address each other by their official title and last name or reference their geographical district of representation.

**RULE 42.** The Secretary shall cause to be printed for the use of each Senator, and each Senator shall promptly execute, a form on which there shall appear a place for the signature of such Senator and above it a statement of the names and addresses of each public utility, public service, or quasi-public corporation, and any other person, firm or corporation engaged in any business or industry subject to regulation by the Alabama Public Service Commission with which the Senator may have been, at that time or any time within one year prior to the convening of the first regular session of each quadrennium, connected, as agent, employee, officer, director or attorney, or from which he or she receives, or has during such time received compensation, direct or indirect, or has received a pass or rate concession or reduction of any nature whatsoever. If no such connection exists, a statement to that effect shall be made. Executed forms, and an unfilled form bearing the name

of each Senator who fails to execute a form, shall be bound in alphabetical order, in a permanent volume, on or before the fifth legislative day of the first regular session of each quadrennium, which volume shall be kept open to public inspection in the office of the Secretary while the Senate is in session and shall be thereafter deposited with the permanent records of the Legislature.

### **RULES RELATING TO PRESIDING OFFICER**

**RULE 43.** In the absence of the President when the Senate convenes, the President Pro Tempore shall preside except as provided for in Rule 1; however, any other rule to the contrary notwithstanding, the President shall have the right to name a member to perform temporarily the duties of the Chair.

**RULE 44.** All questions shall be put by the Chair, and members shall signify assent or dissent by answering yea or nay. If those who vote are sufficient in number to show that a majority constituting a quorum so acted, those who thus voted only shall be counted as constituting the house for the purpose of that vote; but when any question is put and a quorum is not recorded as voting, the Chair shall, before announcing the vote, on his or her own motion or on suggestion of any Senator, instruct the Secretary to record as present a sufficient number of those Senators physically present to constitute a quorum, though all present are not participating in the vote.

**RULE 45.** Every question of order shall be decided by the Chair without debate, subject to an appeal to the Senate, which appeal must be made the same legislative day. The Chair may call for the sense of the Senate on any question of order or on any other matter properly before the Senate.

**RULE 46.** Any other rule to the contrary notwithstanding, when two or more Senators rise at the same time, the Chair shall name the Senator who is to speak first.

**RULE 47.** The Chair shall give notice at each reading of a bill whether it be the first, second, or third.

**RULE 48.** All committees of the Senate and the Chairperson, Deputy Chairperson, Vice Chairperson, Subcommittee Chairperson, and members thereof shall be named by the President elected to serve for the quadrennium concurring with the term of the Senators adopting these rules and shall serve at the pleasure of the President; provided, however, that the removal of any Senator from any committee position shall be

subject to the consent of a majority of the members elected and such vote shall take place upon the same day as the filing of said motion for removal by the President.

**RULE 49.** Any bill providing for or dealing with parimutuel betting, gambling or games of chance shall first be assigned to the appropriate Local Legislation Committee. If the appropriate Local Legislation Committee gives the bill a favorable report, said bill shall then be referred to the appropriate standing committee and be treated in all further respects as a general bill.

**RULE 50.** (a) Every bill, petition, memorial, or other paper shall, upon the first reading thereof, be referred by the President or presiding officer to a standing committee having the subject matter thereof for consideration.

(b) The drafts of all bills which are for introduction at any session of the Legislature, and which are not prepared by the Legislative Reference Service, must be presented to the Legislative Reference Service for review of proper form and for entry into the Legislative Data Bank at least two (2) legislative days prior to introduction.

**RULE 51.** When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be put first. A select committee is a committee appointed by the Chair to study one specific question and ceases to exist when the purpose for which it was selected has been resolved.

**RULE 52.** A bill or resolution carrying an appropriation may be referred to a committee other than the Committee on Finance and Taxation if the subject matter requires such referral in the judgment of the presiding officer. However, such bill or resolution may also be referred to (on a motion proposed by a member and approved by majority vote) and reported by the Committee on Finance and Taxation after being given a second reading.

**RULE 53.** All resolutions shall be referred to and reported from the Committee on Rules before consideration by the Senate. This rule shall not apply to resolutions requiring immediate consideration. Resolutions of congratulation, commendation or sympathy may be reported by the Committee on Rules, in resolution form, en masse for adoption by the Senate; provided, however, any such resolution so reported, which requires action other than congratulating, commending or expressing sympathy, shall be void ab initio.

RULE 54. When a bill has been acted upon by a standing committee, the committee's Chairperson shall endorse on said bill:

This bill was referred to the Standing Committee of the Senate on \_\_\_\_\_ and was acted upon by such Committee in session and is by order of the Committee returned therefrom with \_\_\_\_\_ report by a vote of yeas \_\_\_\_\_ nays \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

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Chairperson

RULE 55. The final vote of a committee on a bill shall be recorded and kept as a permanent record in the office of the Secretary of the Senate. No bill shall receive its second reading without the final vote of a committee attached thereto. This rule shall not apply to local bills.

RULE 56. A committee may return a bill or resolution for its second reading without recommendation which shall constitute action by such committee.

RULE 57. No bill shall be reported out of committee by any means without having been considered and acted upon at a meeting of the committee to which such bill was assigned.

RULE 58. The Committee on Rules may report at any time.

RULE 59. Whenever the Chairperson of any committee shall refuse to call a meeting of such committee, then a majority of the members of the committee may call a meeting by giving one day's written notice setting the time and place for such meeting. Such notice shall be read by the Secretary and posted in the Senate Chamber. Whenever the Chairperson and Vice Chairperson are absent at any committee meeting, a majority of a committee may designate any member of the committee as Acting Chairperson for that particular meeting only.

RULE 60. When the chairperson of a committee has scheduled a public hearing to be held on any bill and the hearing has been announced, the hearing may be convened and held with a minimum of one-third of the membership of such committee present.

### **RULES RELATING TO THE SECRETARY AND THE JOURNAL**

RULE 61. The proceedings of the Senate, when not in committee of the whole, shall be entered on the journal as concisely as possible,

care being taken to detail a true and accurate account thereof. Every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each item of legislation presented to the Senate shall be inserted thereon.

RULE 62. The titles of bills and such parts thereof only as shall be affected by proposed amendments shall be inserted in the journal.

RULE 63. The Secretary shall, on the introduction of bills, make a photocopy of each bill to be designated as a second official copy, and shall make an entry in the journal as follows:

#### "INTRODUCTION OF BILLS

"Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows: (Here set out the number, title and sponsors of each bill introduced and the name of the committee to which it was referred. The name of the chief sponsor shall be underscored on the original bill.)"

RULE 64. When a bill shall be returned from a standing committee, the Secretary shall make the journal read:

"Senator \_\_\_\_\_, Chairperson of the standing committee on \_\_\_\_\_, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a \_\_\_\_\_, and they were severally read a second time and placed on the calendar, to-wit:".

RULE 65. On the signing of bills or resolutions, the Secretary shall make the journal read:

#### "SIGNING OF BILLS (OR RESOLUTIONS)

"The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills (or resolutions), the titles of which are set out in the foregoing (Message) from the House, or Report from the Committee on Rules as the case may be."

RULE 66. Messages shall be sent to the House of Representatives by the Secretary, who shall endorse the final determination of the Senate thereon.

RULE 67. The Secretary shall provide the Chairperson of each standing committee with a stamp with which to make endorsements on bills. Each standing committee of the Senate shall be furnished a secretary or clerk by the Secretary of the Senate. Office space shall be provided to the President Pro Tempore and to the Chairpersons of standing committees as such space is made available to the Senate.

RULE 68. Upon adjournment of the Senate, the Secretary shall enter on the journal the hour of adjournment and the name of the member on whose motion adjournment was adopted.

RULE 69. If a Senator be called to order by a Senator for words spoken, the exceptional words shall be taken down immediately in writing by the Secretary. The presiding officer shall then judge the matter, and rule accordingly.

RULE 70. The Secretary shall furnish to the members daily a printed calendar of all bills and resolutions on third reading and such calendar shall be designated "Regular Order Calendar." The bills and resolutions listed therein shall be arranged in the order in which they are entitled to consideration.

The Secretary also shall furnish to the members daily a printed calendar designated as "Consent Calendar" which shall list all bills placed thereon by the Committee on Rules and those bills which are pending for placement on the said Consent Calendar.

The Secretary also shall furnish to the members daily a printed list of those bills which are being held in Rules Committee for placement on the Consent Calendar as prescribed in Rule 14.

In the event a Special Order Calendar is adopted for more than one day, but is not a continuing order of business until disposed of, then such bills on special order shall be returned to their original position on the Regular Order Calendar occupied by them before the adoption of the special order. Whenever the calendar contains more than twenty-five (25) pages, a numerical index of all Senate and House bills contained in that day's calendar (with the number of the page on which the bill appears in the calendar printed opposite the bill's assigned number) shall be printed on the last pages of that day's calendar, or on a separate pamphlet which can be slipped into the back of the calendar.

RULE 71. The Secretary shall cause to be printed and distributed among the members of the Senate a pocket-sized book or pamphlet, which shall include the following information: (a) a picture and brief

biography of each Senator, his or her address, home and business phone, and committee assignments; (b) a list of Senate committees and their memberships; (c) Senate and joint rules; (d) a brief explanation of the legislative process including legislative powers, qualifications, and duties of legislators; and (e) instructions for the drafting of bills.

**RULE 72.** The Secretary shall not employ any person as a page who is under the age of twelve (12) years.

**RULE 73.** (a) Every bill before any vote is taken thereon by the Senate must have endorsed thereon or attached thereto a reliable estimate of the amount of money involved therein, and the anticipated increase or decrease in revenue collections under the provisions of the bill. All fiscal notes provided for in this rule and other rules of the Senate must be prepared by or certified by the chief legislative fiscal officer as being substantially accurate to the best of his or her knowledge, information and belief. The fiscal note shall also be prepared by or under the supervision of the standing committee to which the bill is referred. The fiscal note shall be endorsed on the bill or attached thereto, and shall be printed on the calendar of bills on third reading immediately following the title of the bill. Any bill on second reading not having a fiscal note affixed thereto shall be recommitted to the Committee from whence it came. (No bill shall be given its third reading, unless it has affixed thereto a valid fiscal note.)

(b) All resolutions creating a committee or program wherein the expenditure of funds out of the state treasury is authorized must contain the same fiscal note as defined in paragraph (a) above and must be referred to the Committee on Rules.

**RULE 74.** No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar. Further provided that Rule 36, relative to the provision that one Senator may object to suspension of the rules, shall not be applicable to resolutions pertaining to budget isolation and said resolution shall be considered at such time as the bill is called for third reading, notwithstanding the provision of Rule 55. Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Secretary of the Senate.

**RULE 75.** The indices of the Senate Journals shall include a topic index of all bills referenced in the journals, a numerical index, a sponsor index and an index of "Miscellaneous Subjects." The indices shall be distinguished from the textual material by the use of paper of a distinctive color and the indices shall be prefaced by a page of explanato-



ry material that will instruct a person totally unfamiliar with the journals on the most efficient means of locating particular items of information. Speeches received in the two houses in joint sessions and printed in full in the House Journal shall carry an abridged statement in the Senate Journal and a distinct reference to the full text in the House Journal.

**RULE 76.** When any question may have been decided by the Senate in which more than a majority of the members present are necessary to carry the affirmative, any Senator who voted on the side that prevailed in the question may move for a reconsideration, and such motion shall be decided by a majority vote.

**RULE 77.** Senate Resolutions of commendation, congratulations, or sympathy may be prepared during interim periods and certified by the Secretary but shall not be entered into the Journal of the Senate. These resolutions are prepared by the Secretary as a courtesy for individual Senators and are not acted upon by the entire Senate.

### MOTION TO RECESS LOST

At 3:48 P.M., Senator Barron moved that the Senate take a recess until 4:30 P.M., which motion was lost.

Yeas 17 Nays 18

Yeas:

Senators:

Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Ghee, Horn, Little, Mitchem, Owens, Parsons, Smith (J), Waggoner, and Wilson -17

Nays:

Senators:

Amari, Bailey, Bennett, Campbell, Corbett, Figures, Floyd, Foshee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Mitchell, Preuit, Sanders, Smith (B), and Windom -18

### FURTHER CONSIDERATION OF SR 18

The Senate proceeded to further consideration of the Resolution, SR 18. The question was on the substitute offered by Senator Parsons.

Senator Parsons moved that said substitute be adopted, which motion was lost.

Yeas 14 Nays 21

Yeas:

Senators:

Barron, Bedsole, Bolling, Denton, Dial, Dixon, Ellis, Lipscomb, Little, Mitchem, Owens, Parsons, Smith (B), and Waggoner -14

Nays:

Senators:

Amari, Bailey, Bennett, Campbell, Corbett, deGraffenried, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Preuitt, Sanders, Smith (J), Wilson, and Windom -21

Senator Parsons then offered the following amendment to the Resolution, SR 18, to-wit:

### AMENDMENT TO SR 18

Amend SR 18 as follows:

Add Rule 80 as follows:

All Salary, expense allowances or other increases in compensation or benefits of any form whatsoever of members of the legislature shall only be passed by roll call recorded vote.

Senator Corbett moved that said amendment be laid on the table, which motion was lost.

Yeas 6 Nays 28

Yeas:

Senators:

Campbell, Corbett, Hilliard, Horn, Langford, and Sanders -6

Nays:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Smith (B), Smith (J), Waggoner, Wilson, and Windom -28

The question recurred on the Parsons amendment to the Resolution, SR 18.

Which was then adopted.

Senator Lindsey offered the following amendment to the Resolution, SR 18, as amended, to-wit:

**AMENDMENT TO SR 18, AS AMENDED**

The proposed Senate Rule No. 52 is hereby amended so as to delete the words "proper form" in subsection (b) and insert in lieu thereof the words "form only"

Which was adopted.

Senator Parsons offered the following amendment No. 2, to the Resolution, SR 18, as amended, to-wit:

**AMENDMENT TO SR 18, AS AMENDED**

Amend SR 18 page 16 line 2 after the word appropriate, as follows:

The Committee on Confirmations must schedule a hearing and vote on any pending confirmations within ten (10) calendar days after a request is made in writing to the Chairperson by any Senator.

Which was lost.

Yeas 6 Nays 26

Yeas:

Senators:

Bedsole, Ellis, Floyd, Lipscomb, Owens, and Parsons

-6

Nays:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Mitchell, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-26

Senator Horn offered the following amendment to the Resolution, SR 18, as amended, to-wit:

**AMENDMENT TO SR 18, AS AMENDED**

Amend SR 18 page 15 line 20, as follows:

remove the (.) and insert a semi-colon (;) in lieu thereof except the Vice Chairperson shall not serve on Local Legislation No. 2 and Local Legislation No. 3, unless the Vice Chairperson is a member of that local delegation.

Which was adopted.

And on motion of Senator deGraffenried, the Resolution, SR 18, as thus amended, was then adopted by the Senate, and the Rules as set out in said Resolution, SR 18, as amended, were adopted as the Rules of the Senate for the ensuing quadrennium.

### REPORT ON SJR 6

Mr. President:

Your Secretary of the Senate begs leave to report that said Secretary, in session, has compared the following engrossed Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly engrossed, to-wit:

**SJR 6. REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE COSTS OF ALL LEGAL SERVICES PERFORMED FOR THE STATE OF ALABAMA DURING PAST TWO QUADRENNIUMS.**

McDOWELL LEE,  
Secretary

### RESOLUTION

Senator Dial offered the following Senate Resolution, to-wit:

**SR 20. SENATE GRIEVANCE AND DISCIPLINE COMMITTEE.**

### COMMITTEE APPOINTMENT ANNOUNCED

The President and Presiding Officer of the Senate announced that Senator Preuitt has been appointed as Chairperson of the Standing Committee on Rules, and Senator Foshee has been appointed as Deputy Chairperson of the Standing Committee on Rules for the quadrennium 1991-1994.

### FURTHER CONSIDERATION OF SR 20

The Senate proceeded to further consideration of the Resolution, SR 20.

Which was read and referred to the Standing Committee on Rules.

**RECESS**

At 4:45 P.M., on motion of Senator deGraffenried, the Senate took a recess subject to the Call of the Chair.

At 6 o'clock P.M., the recess period having expired, the Senate was called to order by President Pro Tempore deGraffenried. A quorum of the Senate was present.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 4. RELATIVE TO THE PRINTING OF THE ACTS AND JOURNALS.**

Also:

**SJR 7. ENCOURAGING ALABAMA'S SPILL RESPONSE TASK FORCE TO CONTINUE TO MEET AND MAKE RECOMMENDATIONS.**

Also:

**SJR 8. ENDORSING THE EFFORTS OF THE ALABAMA BATTLESHIP COMMISSION IN THEIR QUEST TO ACQUIRE THE U.S.S. LEXINGTON AIRCRAFT CARRIER FOR PERMANENT DISPLAY AT THE ALABAMA BATTLESHIP PARK.**

Also:

**SJR 10. COMMENDING THE ALABAMA AIR AND ARMY NATIONAL GUARD AND ALABAMA RESERVISTS PARTICIPATING IN OPERATION DESERT SHIELD.**

Also:

**SJR 13. COMMITTEE TO NOTIFY GOVERNOR AND ASCERTAIN DESIRE FOR JOINT SESSION.**

And the Speaker of the House has appointed as members on the part of the House Reps. Sanderford, Rich and Newton (C).

JOHN W. PEMBERTON  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has amended as therein shown and, as amended, has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**SJR 9. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.**

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Horn, the Senate non-concurred in the following House amendment to the Resolution, SJR 9, the title of which is set out in the foregoing Message from the House, to-wit:

**SUBSTITUTE FOR SJR 9**

**SJR 9. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that there is hereby created an Interim Committee on Finances and Budgets to meet during the interim periods between the regular sessions of the Legislature, during which periods the members, including Ex Officio members, shall each be entitled to, and shall receive the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session for each weekday, Monday through Friday, that the committee meets. Provided however, on week-days upon which a meeting is scheduled, members must attend said meeting in order to be paid. Said Committee shall not be paid for more than 45 calendar days in any single interim period. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. However it is further provided, that the Co-Chairmen and Vice Co-Chairmen of the Interim Committee on Finances and Budgets shall receive fifty dollars per day in addition to the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session for each day of the week, Monday through Friday during the period in which budget hearings are scheduled regardless of whether the Commit-

tee meets as a whole or in sub-committees. It shall be the duty of the Committee to make a careful investigation and study of the financial condition of the state, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the members of the Senate Committee on Finance and Taxation, the Lieutenant Governor, the President Pro Tempore of the Senate, four additional members of the Senate to be appointed by the Lieutenant Governor, the members of the House Committee on Ways and Means, the Speaker Pro Tempore of the House, the Speaker of the House, and thirteen additional members of the House to be appointed by the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio voting members of the Committee. In addition, the members of the Joint Continuing Committee to Study the Tax Structure of the State of Alabama and the Distribution of Tax Revenues shall be invited to attend and participate in any hearings set by the Interim Committee on Finances and Budgets. It is also provided, that members of said tax structure committee who are not also members of the Interim Committee on Finances and Budgets, shall be paid at the same rate and under the same conditions as members of the Interim Committee on Finances and Budgets.

The Chairman of the Senate Committee on Finance and Taxation and the Chairman of the House Ways and Means Committee shall be Co-Chairmen. The said Co-Chairmen shall each appoint one Vice Co-Chairman and shall set the schedule and program for committee work. The said Co-Chairmen shall fix the days and hours of meetings and conduct hearings and examine witnesses who appear before the Committee. Each Co-Chairman may appoint Sub-committees and invest them with such authority as may be deemed necessary to conduct the Committee's business and expedite its work. Members appointed to any Sub-committee shall each be entitled to, and shall receive compensation as is provided for in the above paragraph for members of the Interim Committee on Finances and Budgets for each day said members attend a Sub-committee meeting that is not also a meeting day of the Interim Committee. Said Sub-committee members shall not be paid for more than 30 additional calendar days in any single interim period for work of said Sub-committee. The Secretary of the Senate, the Clerk of the House of Representatives and the Director of the Legislative Fiscal Office shall provide the Committee with such clerical and expert assistance from among their respective staffs as may be necessary.

All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate

fully with the Committee and its staff and shall furnish any and all information that may be requested by the Committee or its staff.

BE IT FURTHER RESOLVED, That the final report of the Committee, along with findings and recommendations, shall be submitted to the Governor and to each member of the Legislature no later than the seventh legislative day of the regular session. Said Committee shall terminate November 1, 1994.

and requested a Committee on Conference.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate, Senators Horn, Hilliard, and Foshee.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

**HJR 13. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1991.**

### JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA 1991

1. Messages from one house to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one copy of the notice and proof thereof attached to the bill.



4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number, year and the session shall clearly appear on the title page of the document.

7. The printer shall print fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director.

8. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer and employees of the Legislative Fiscal Office and the Director of the Alabama Law Institute in aid of the reference work required by law to be done for members of the Legislature.

9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as "prefiling." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of sympathy, commendation or congratulations shall be by House resolution or by Senate resolution and shall be filed

with the Secretary of the Senate or the Clerk of the House who shall cause the respective journals to reflect that such resolution was filed by inserting the title thereof in their respective journals; the Secretary or the Clerk, respectively, shall prepare appropriate copies for distribution; provided, however, by suspension of the rules such resolutions shall be made a part of the journals.

12. (a) No bill amending an existing statute shall be accepted for introduction in the Legislature unless:

(1) the language to be deleted is stricken through (example: ~~stricken through~~) and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8 1/2" by 14" paper with numbered, double-spaced lines.

(d) The provisions of this rule shall not apply to local bills; however, effective in January 1984, drafts of all local legislation bills which are for introduction at any Session of the Legislature, and which are not prepared by the Legislative Reference Service, must be presented to the Legislative Reference Service for review of proper form and for entry into the Legislative Data Bank at least ten (10) days prior to introduction.

(e) No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar of the house in which the resolution is offered.

Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Clerk of the House or the Secretary of the Senate.

13. All bills, except local bills, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

14. All member of the House and Senate, the press corps, employees of the two houses and any guests or visitors on the floors of the State House used by the Legislative Branch, are prohibited from

carrying a firearm or any other thing that might be construed to be a lethal weapon. This rule will not apply to employees of the two houses who are security officers not to members of the State Troopers who are in their official capacities.

### **RULES RELATING TO COMMITTEES**

15. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate to be appointed by the President of the Senate. The Committee on Conference shall not report unless there be an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such action as that house may deem appropriate. The house of origin may take one of the following courses of action:

a. They may concur in the Committee on Conference report and, in the event of this action, the bill and the Conference Committee report shall be sent to the other house for action.

b. The house of origin may reject the Conference Committee report, in which case the pending legislation is automatically void.

c. The house of origin may reject the report of the Committee on Conference and request that a new committee be appointed by the respective presiding officers.

In the event the house of origin adopts the Committee on Conference report, the pending legislation together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

In the event the minority wishes to submit a report, the house of origin shall first consider the majority report, after which it may then consider accepting the minority report.

In the event of a majority report rejection, the minority report may be considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house.

The Committee of Conferees shall report substantially as follows:

We, the Committee of Conferees appointed to reconcile the

difference between the two Houses concerning House Bill/Senate Bill \_\_\_\_ have met, considered the matter, and agreed to the following:

(Example: Substitute for H.B./S.B. \_\_\_\_ is attached).

(Example: Amend H.B./S.B. \_\_\_\_ as follows:)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

CONFEREES OF THE HOUSE

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

CONFEREES OF THE SENATE

16. All amendments or revisions to redistricting plans, following introduction as a bill, shall be drafted by the Reapportionment Office.

17. Drafts of all redistricting plans which are for introduction at any session of the Legislature, and which are not prepared by the Reapportionment Office, must be presented to the Reapportionment Office for review of proper form and for entry into the Legislative Data Bank at least ten (10) days prior to introduction.

### **RULES RELATING TO LOBBYING**

~~16~~18. Those Required to Register. All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either House of the Legislature or before its committees shall, before engaging in such activities, register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

~~17~~19. Method of Registration. Each calendar year every such

person shall register on forms prepared by the Secretary and Clerk, respectively, and shall state his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interest, and the duration of his agency.

No registered lobbyist shall be permitted upon the floor of either house while it is in session, except as otherwise provided.

1820. Registration Exception. Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support or opposition to any legislation, and who shall so declare to the members of any committee, or to the committee as a whole, with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

1921. Obligations of Lobbyist. A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

2022. Rules Committee Advisory Opinions. A Lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Joint Committee on Rules and may appear in person before said committee.

2123. Penalties for Violations. Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the

session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective House upon recommendation of the Joint Committee on Rules. The Joint Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

**2224.** Secretary to Provide Forms. The Secretary of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

**2325.** Committees to be Diligent. Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Mitchell, the Resolution, HJR 13, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Cosby:

### AMENDMENT TO HJR 11

Amend H.J.R. 11, page 2, immediately following line 18 by adding the following language:

BE IT FURTHER RESOLVED, That the compensation paid to members of the Legislature shall not be increased during their term of office after the passage of H.J.R. 11. Any future increase in compensation to members of the Legislature shall be set for the succeeding term of office.

By Rep. Rogers:

**HJR 11. TO ALTER THE AMOUNT OF COMPENSATION PAID TO MEMBERS OF THE LEGISLATURE AND TO REPEAL ACT 87-209, H.J.R. 287 OF THE 1987 REGULAR SESSION.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the Legislature shall be entitled to and shall be paid seventy-five dollars (\$75) per diem for each legislative day that the Legislature actually meets during any regular session, special session, or organizational session. In addition, each member of the Legislature shall be entitled to and shall be paid seventy-five dollars (\$75) for one additional day during each week of any regular session, special session, or organizational session as per diem expenses for committee work. Each member of the Legislature shall be entitled to and shall be paid seventy-five dollars (\$75) per diem for the performance of his or her duties as a member of any interim legislative committee authorized by the Legislature. Such payment is conditioned upon actual attendance at scheduled interim committee meetings. Such per diem expense allowance of seventy-five dollars (\$75) is in lieu of any per diem expense heretofore provided for members of the Legislature.

BE IT FURTHER RESOLVED, That each member of the Legislature shall be entitled to and shall be reimbursed for actual expenses incurred in the performance of his or her duties outside the State of Alabama. Such reimbursement shall be in addition to the per diem expense allowance of seventy-five dollars (\$75) to be provided for members of the Legislature.

BE IT FURTHER RESOLVED, That each member of the Legislature shall be entitled to and shall be paid two thousand and four hundred dollars (\$2400) per month for expenses incurred in the performance of his or her duties, to be paid at the end of each month during his or her term. Such monthly expense allowance of two thousand and four hundred dollars (\$2400) shall be in lieu of any monthly expense allowance currently provided for members of the Legislature. Provided, however, that said monthly expense allowance of two thousand and four hundred dollars (\$2400) shall be in addition to the reasonable expense allowance provided to presiding officers as authorized in Act No. 1196 of the 1971 Regular Session of the Alabama Legislature.

BE IT FURTHER RESOLVED, That Act 87-209, H.J.R. 287 of the 1987 Regular Session (Acts of 1987, p. 298) is hereby repealed.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Amari, the Resolution, HJR 11, set out in the foregoing Message from the House, was postponed subject to the Call of the Chair.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Grayson, Brooks, and Sanderford:

**HJR 17. COMMENDING THE REVEREND RICHARD L. HURT ON THE OCCASION OF HIS RETIREMENT.**

Also:

By Reps. Ford and Bugg:

**HJR 18. COMMENDING MRS. PAT SMITH, EXECUTIVE DIRECTOR OF THE ETOWAH COUNTY CLEAN AND BEAUTIFUL COMMISSION, FOR HER LEADERSHIP IN IMPROVING THE ENVIRONMENT OF OUR STATE.**

JOHN W. PEMBERTON  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Amari, the Rules were suspended and the Resolutions, HJR's 17 and 18, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Ford and Bugg:

**HJR 19. COMMENDING PETER GREGERSON, SR., FOR**



**OUTSTANDING COMMUNITY SERVICE.**

Also:

By Rep. Gullatt:

**HJR 20. COMMENDING JERRY PRATER FOR OUTSTANDING SERVICE AS FIRE CHIEF IN PHENIX CITY, ALABAMA.**

Also:

By Reps. Bugg, Ford, Smith (R), and Newman:

**HJR 21. COMMENDING SARA QUINN.**

Also:

By Reps. Grayson, Sanderford, Freeman, and Hall:

**HJR 16. MOURNING THE DEATH OF WALTER MONTGOMERY AUSTIN, JR., PH.D., OF NORMAL, ALABAMA.**

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Amari, the Rules were suspended and the Resolutions, HJR's 19, 20, 21, and 16, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

**HJR 10. RELATIVE TO MEETING DAYS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Wednesday, January 9, 1991, they adjourn to meet again on Tuesday, January 15, 1991.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Amari, the Rules were suspended and the Resolution, HJR 10, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MOTION TO ADJOURN**

Senator Amari moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, January 15, 1991, at 10 o'clock A.M.

Senator Dixon offered a substitute motion, that when the Senate adjourns today, it adjourn to meet again on Tuesday, January 15, 1991, at 11 o'clock A.M., which motion was adopted.

**ADJOURNMENT**

At 6:40 P.M., on motion of Senator Corbett, in accordance with Joint Resolution and Motion heretofore adopted, the Senate adjourned until Tuesday, January 15, 1991, at 11 o'clock A.M.

**THIRD LEGISLATIVE DAY**  
**TUESDAY, JANUARY 15, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

**PRAYER**

The Session was opened with prayer by Charles Moore, Deacon, Hall Memorial C.M.E. Church, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Juliet Nicole Swann, Cullman City School, Cullman, Alabama.

**ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson

**COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**RECESS**

At 12 o'clock P.M., on motion of Senator deGraffenried, the Senate took a recess to hear the message of Dr. Wayne Teague, State Superintendent of Education.

At 12:05 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 7. ENCOURAGING ALABAMA'S SPILL RESPONSE TASK FORCE TO CONTINUE TO MEET AND MAKE RECOMMENDATIONS.**

Also:

**SJR 8. ENDORSING THE EFFORTS OF THE ALABAMA BATTLESHIP COMMISSION IN THEIR QUEST TO ACQUIRE THE U.S.S. LEXINGTON AIRCRAFT CARRIER FOR PERMANENT DISPLAY AT THE ALABAMA BATTLESHIP PARK.**

Also:

**SJR 10. COMMENDING THE ALABAMA AIR AND ARMY NATIONAL GUARD AND ALABAMA RESERVISTS PARTICIPATING IN OPERATION DESERT SHIELD.**

JIM PREUITT,  
Chairperson

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **RESOLUTIONS**

Senators Dixon, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom offered the following Senate Resolution, to-wit:

**SR 21. EXPRESSING THE SENATE'S APPRECIATION TO LIEUTENANT GENERAL CHARLES G. BOYD, COLONEL DAVID VOGL AND TO THE OFFICERS CLUB STAFF OF MAXWELL AIR FORCE BASE, ALABAMA.**

Which was filed.

Senators Dixon, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom then offered the following Senate Resolution, to-wit:

**SR 22. COMMENDING AMELIA D. LAWLEY FOR OUTSTANDING SERVICE TO THE ALABAMA SENATE.**

WHEREAS, the Alabama Senate notes with regret the imminent retirement, effective January 31, 1991, of Amelia D. Lawley as Chief Clerk of the Alabama Senate since February 1976, following prior service for one term in 1946-47 and session employment from 1971 until selected to fill the highly responsible position she has held for the past fifteen years; and

WHEREAS, a graduate of Draughon Business School in Denison,

Texas, Amy Lawley worked as a secretary and as the note teller in a Texas bank prior to her marriage to Bill Lawley of Alabama, now a retired Air Force Colonel, with whom she traveled to numerous duty stations during his career, including tours of duty in both Brazil and the Philippines where her husband was stationed on Attache duty with the United States Embassy; and

WHEREAS, the Lawleys also were stationed on four occasions at Maxwell Air Force Base and, most fortunately for the Senate, "home" to Amy became Montgomery where she and Bill have resided since 1968; and

WHEREAS, in reflecting upon Amy Lawley's contributions as Chief Clerk of the Alabama Senate, we feel compelled to comment that it is rare indeed for an employee to display such dedication to duty as that so conscientiously and continuously shown by Amy Lawley; equally as rare is the respect and regard in which she is held by the Senate staff and by the many Senators who, in seeking her assistance and advice, have come to rely heavily upon her expertise and knowledge of Senate affairs; and

WHEREAS, in addition to the many responsibilities of her employment, Amy Lawley has provided community leadership to such organizations as the Maxwell Officers Wives Club; the Embassy Wives Club in Manila; the St. Luke's Hospital Auxiliary, also in Manila; and through activities of PEO, international women's organization, and the American Society of Clerks and Secretaries which she serves as a member of the Executive Board; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That in recognition of distinguished service to the Alabama Senate, we hereby most highly commend Amelia D. Lawley, whom we wish every happiness in retirement, but whose presence among us will be greatly missed.

BE IT FURTHER RESOLVED, That in true spirit of friendship, affection and esteem, a copy of this resolution shall be presented to Mrs. Lawley and said presentation shall be made in the chambers of the Alabama Senate.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Hale offered the following Senate Joint Resolution, to-wit:

**SJR 23. CREATING THE JOINT INTERIM STUDY COM-**

**MITTEE ON INTRASTATE COMMUTER AIR LINE SERVICE IN ALABAMA.**

WHEREAS, the Alabama Legislature notes that there is a serious inadequacy of commuter air line service within the state; and

WHEREAS, a comprehensive study plan to assess and present solutions to the needs of adequate commuter air line service is necessary for the Legislature to address these needs; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That there is hereby created the joint interim study committee on intrastate commuter air line service in Alabama to be composed of eight members. The Lieutenant Governor shall appoint four members from the Senate to said committee; the Speaker of the House shall appoint four members from the House to said committee. The committee shall elect from its members its chairperson and co-chairperson and shall set its own rules of procedure to conduct its business; said committee shall meet on call of its chairperson.

**BE IT FURTHER RESOLVED,** That the committee shall include in its comprehensive study plan the feasibility of providing for an intrastate commuter air line service in Alabama; the potential for such service; and the availability and interest of commuter airlines to provide the service. The committee shall report its findings and recommendations to the Legislature by the fifth (5th) legislative day of the 1991 Regular Session, at which time the committee shall terminate.

**FURTHER RESOLVED,** That the members of such committee shall be entitled to receive their normal per diem and expense allowances on committee meeting days. Provided, however, that such committee shall not expend more than \$5,000.00 on meetings during its existence. Upon request of its chairperson, the Secretary of the Senate and the Clerk of the House shall provide meeting space and clerical assistance as may be necessary for the committee's work.

On motion of Senator Hale, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dixon offered the following Senate Joint Resolution, to-wit:

**SJR 24. COMMENDING MONTGOMERY CITIZEN OF THE YEAR, MAYOR EMORY FOLMAR.**

## 3rd Day

WHEREAS, in consensus of commendation and esteem, the Legislature of Alabama congratulates Montgomery Mayor Emory Folmar as the recipient of The Montgomery Advertiser and Alabama Journal Citizen of the Year award; and

WHEREAS, a native of Troy, Alabama, and a resident of Montgomery since the age of 14, Mayor Folmar is a graduate of that city's Sidney Lanier High School, and of the University of Alabama where he earned his business degree and rose to the rank of Commander in the Reserve Officers Training Corps; and

WHEREAS, Emory Folmar, upon graduation in 1951, entered the United States Army and, twice wounded in combat in Korea, was awarded the Silver Star, Bronze Star, Purple Heart, Korean Campaign with Three Stars and the Croix de Guerre with Bronze Palm, among other distinctions; and

WHEREAS, it was in 1975 that Emory Folmar, by that time a highly successful businessman, entered the political arena, a decision precipitated by the tragic death of his beloved son, David, who had urged his father to enter politics as a candidate for the Montgomery City Council; and

WHEREAS, successful in his first race, he was elected to the council in 1975; was subsequently elected president of the council; and, in 1977, was elected Mayor of the City of Montgomery in which capacity he continues to serve; and

WHEREAS, in addition, however, to outstanding mayoral leadership and the many accomplishments of his tenure, Emory Folmar has further distinguished himself in exemplary civic leadership and support in such areas as the YMCA, Alabama Shakespeare Festival, the Montgomery Zoo, the arts, and numerous other community affairs; and

WHEREAS, honors gratefully bestowed in recognition of his dedicated commitment to the betterment of all citizens of Montgomery are reflected in such awards as the Montgomery County Bar Association's Liberty Bell Award, Salvation Army's Man of the Year Award, Alabama Retarded Children Association's Distinguished Public Service Award, the Governor's Art Award, and the YMCA's Man of the Year Award; and

WHEREAS, Mayor Folmar, former Chairman of the Alabama Republican Party, served as state chairman for President George Bush's 1988 campaign and as finance director for Governor Guy Hunt's 1990



reelection campaign; he also is a board member of the Montgomery Boys Club and the Alabama Shakespeare Festival, is a member of United Way and Landmarks Foundation, and is an Elder at Montgomery's Trinity Presbyterian Church; and

WHEREAS, Mayor Emory Folmar is indeed highly deserving of the recently bestowed Citizen of the Year award; his contributions to the City of Montgomery, and to all citizens thereof, are immeasurable in worth, permanent in benefit, and are monuments to the city's progress under his leadership; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service and commitment to the City of Montgomery, we hereby most highly commend Mayor Emory Folmar, whom we hold in warmest personal regard and to whom a copy of this resolution shall be presented.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Corbett offered the following Senate Joint Resolution, to-wit:

**SJR 25. CREATING A JUDICIAL COMMISSION TO SET LEGISLATIVE EXPENSE ALLOWANCES.**

WHEREAS, the appellate courts of this state are located in the capitol complex in Montgomery and the members of said courts are acutely aware of the awesome responsibilities and duties of the members of the Legislature; and

WHEREAS, the judges on said courts are knowledgeable as to the expense allowances provided by other states to members of their legislatures; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a judicial commission on legislative compensation to be composed of the presiding judge of the criminal court of appeals, the presiding judge of the civil court of appeals and the chief justice of the supreme court. Such commission shall determine the amount of expense allowances of the members of the Legislature and shall report to the Legislature on the first day of the first regular session of each new legislative quadrennium. Such amount as determined by such

commission shall become effective immediately upon receipt of such report by the presiding officers of the House of Representatives and the Senate unless rejected by a majority vote of the membership of both the House and Senate.

**RESOLVED FURTHER,** That the clerk of the House shall send a copy of this resolution to the chief justice of the supreme court and to the presiding judges of the courts of criminal and civil appeals.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 19 Nays 16

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Floyd, Foshee, Ghee, Hilliard, Horn, Langford, Lindsey, Preuit, Sanders, Smith (B), and Wilson -19

Nays:

Senators:

Amari, deGraffenried, Dial, Dixon, Ellis, Figures, Hale, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Waggoner, and Windom -16

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Buskey (JL), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J),

Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 40. WELCOMING THE BILL OF RIGHTS NATIONAL TOUR TO ALABAMA AND PROVIDING FOR A LEGISLATIVE DELEGATION TO ATTEND THE EXHIBITION.**

And the Speaker of the House has appointed as members on the part of the House Reps. Holmes, Hooper and Buskey (JL).

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Langford, the Rules were suspended and the Resolution, HJR 40, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate, Senators Dixon, Mitchell, and Langford.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (RG):

**HJR 35. REQUESTING ADEM TO DELAY ISSUANCE OF PERMIT TO OPERATE A SOLID WASTE DISPOSAL SITE IN TALLADEGA COUNTY UNTIL IMPACT ON CHILDERSBURG'S WATER SUPPLY IS DETERMINED.**

WHEREAS, the Alabama Department of Environmental Management (ADEM) may soon issue a permit to operate a solid waste disposal site in or near Childersburg in Talladega County; and

WHEREAS, the residents of Childersburg and Talladega County are concerned about the purity of the public water supply in those areas; and

WHEREAS, the residents of Childersburg and Talladega County feel that, prior to the issuance of such a permit by ADEM, a comprehensive study be conducted on the potential for adverse environmental impact upon the public water supplies of said areas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urgently request that the Alabama Department of Environmental Management (ADEM) do not issue, a permit to operate a solid waste disposal site until the environmental impact of such an action on the public water supply of Childersburg can be studied and evaluated.

RESOLVED FURTHER, That a copy of this resolution be presented to the director of ADEM so he may know of our sincere concern in this matter.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Senator Preuitt, the Rules were suspended and the Resolution, HJR 35, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Knight:

**HJR 36. CONTINUING THE JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE FUNDING AND ALLOCATION OF REVENUES FOR ELEMENTARY/SECONDARY SCHOOLS IN ALABAMA.**

WHEREAS, the Legislature of Alabama, on April 18, 1990, 1990 Regular Session, passed House Joint Resolution 468, Act No. 90-503, creating the joint interim legislative committee to study the funding and allocation of revenues for elementary/secondary schools in Alabama; and

WHEREAS, such interim committee has not completed its study; and

WHEREAS, such interim committee desires additional time to complete its study and issue its report; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint interim legislative committee to study the funding and allocation of revenues for elementary/secondary schools in Alabama be continued and that the committee be allowed to report its findings, conclusions and recommendations during the 1991 Regular Session at which time the committee shall be abolished; and

BE IT FURTHER RESOLVED, That the Speaker and Lieutenant Governor be allowed to appoint and reappoint members as provided in the original resolution if such appointments are necessary; that the Speaker set a time and place for the first meeting of the committee; and that all other provisions of the original resolution remain in effect.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Dixon, the Resolution, HJR 36, set out in the foregoing Message from the House, was postponed subject to the Call of the Chair.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Joint Resolution:

**SJR 9. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.**

And the Speaker of the House has appointed as Committee on part of the House, Representatives: Harper, Freeman, and Williams.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Reps. Butler, Fuller, Lindsey, Burke, Harper, Curry, Higginbotham, Hamilton, Parker (P), Zoghby, Rockhold, Smith (C), Hooper, Letson, Gaston, and Box:

**HJR 38. DESIGNATING APRIL 7 THROUGH 13, 1991, AS "NATIONAL COUNTY GOVERNMENT WEEK" IN ALABAMA.**

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 38, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

**HJR 33. RELATIVE TO MEETING DAYS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Tuesday, January 15, 1991, they adjourn sine die.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, HJR 33, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Reps. Turner, Zoghby, Rockhold, Gaston, Kennedy, Penry, Kvalheim, Buskey (JE), Clark (W), Harper, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, and Willis:

**HJR 39. HONORING ROBERT M. HOPE FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA AND THE ALABAMA STATE DOCKS.**

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, HJR 39, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### RESOLUTIONS

Senator Preuitt offered the following Senate Resolution, to-wit:

**SR 26. REQUESTING ADEM TO DELAY ISSUANCE OF PERMIT TO OPERATE A SOLID WASTE DISPOSAL SITE IN TALLADEGA COUNTY UNTIL IMPACT ON CHILDERSBURG'S WATER SUPPLY IS DETERMINED.**

On motion of Senator Preuitt, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Preuitt then offered the following Senate Joint Resolution, to-wit:

**SJR 27. REQUESTING ADEM TO DELAY ISSUANCE OF PERMIT TO OPERATE A SOLID WASTE DISPOSAL SITE IN TALLADEGA COUNTY UNTIL IMPACT ON CHILDERSBURG'S WATER SUPPLY IS DETERMINED.**

WHEREAS, the Alabama Department of Environmental Management (ADEM) may soon issue a permit to operate a solid waste disposal site in or near Childersburg in Talladega County; and

WHEREAS, the residents of Childersburg and Talladega County are concerned about the purity of the public water supply in those areas; and

WHEREAS, the residents of Childersburg and Talladega County feel that, prior to the issuance of such a permit by ADEM, a comprehensive study be conducted on the potential for adverse environmental impact upon the public water supplies of said areas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urgently request that the Alabama Department of Environmental Management (ADEM) do not issue, a permit to operate a solid waste disposal site until the environmental impact of such an action on the public water supply of Childersburg can be studied and evaluated.

RESOLVED FURTHER, That a copy of this resolution be presented to the director of ADEM so he may know of our sincere concern in this matter.

On motion of Senator Preuitt, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dixon offered the following Senate Resolution, to-wit:

**SR 28. COMMENDING MONTGOMERY CITIZEN OF THE YEAR, MAYOR EMORY FOLMAR.**

Which was filed.

#### **REPORT OF CONFERENCE COMMITTEE ON SJR 9**

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning Senate Joint Resolution 9, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.



FRED HORN  
EARL HILLIARD  
CRUM FOSHEE

Conferees on the Part of the Senate

TAYLOR HARPER  
DeWAYNE FREEMAN  
NOLAN WILLIAMS

Conferees on the Part of the House

### CONFERENCE COMMITTEE SUBSTITUTE FOR SJR 9

#### **SJR 9. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that there is hereby created an Interim Committee on Finances and Budgets to meet during the interim periods between the regular sessions of the Legislature, during which periods the members, including Ex Officio members, shall each be entitled to, and shall receive, the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session for each weekday, Monday through Friday, during any week in which the committee actually meets. It is provided however, that members must be present each scheduled meeting day during such week in order to receive the full five days compensation. Otherwise, committee members will receive compensation only for those days in which committee meetings are attended. Said Committee shall not be paid for more than 45 calendar days in any single interim period. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. However it is further provided, that the Co-Chairmen and Vice Co-Chairmen of the Interim Committee on Finances and Budgets shall receive fifty dollars per day in addition to the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session for each day of the week, Monday through Friday during the period in which budget hearings are actually scheduled regardless of whether the Committee meets as a whole or in sub-committees. It shall be the duty of the Committee to make a careful investigation and study of the financial condition of the state, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed

of the members of the Senate Committee on Finance and Taxation, the Lieutenant Governor, the President Pro Tempore of the Senate, four additional members of the Senate to be appointed by the Lieutenant Governor, the members of the House Committee on Ways and Means, the Speaker Pro Tempore of the House, the Speaker of the House, and thirteen additional members of the House to be appointed by the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio voting members of the Committee. In addition, the members of the Joint Continuing Committee to Study the Tax Structure of the State of Alabama and the Distribution of Tax Revenues shall be invited to attend and participate in any hearings set by the Interim Committee on Finances and Budgets. It is also provided, that members of said tax structure committee who are not also members of the Interim Committee on Finances and Budgets, shall be paid at the same rate and under the same conditions as members of the Interim Committee on Finances and Budgets.

The Chairman of the Senate Committee on Finance and Taxation and the Chairman of the House Ways and Means Committee shall be Co-Chairmen. The said Co-Chairmen shall each appoint one Vice Co-Chairman and shall set the schedule and program for committee work. The said Co-Chairmen shall fix the days and hours of meetings and conduct hearings and examine witnesses who appear before the Committee. Each Co-Chairman may appoint Sub-committees and invest them with such authority as may be deemed necessary to conduct the Committee's business and expedite its work. Members appointed to any Sub-committee shall each be entitled to, and shall receive compensation as is provided for in the above paragraph for members of the Interim Committee on Finances and Budgets for each day said members attend a Sub-committee meeting that is not also a meeting day of the Interim Committee. Said Sub-committee members shall not be paid for more than 30 additional calendar days in any single interim period for work of said Sub-committee. The Secretary of the Senate, the Clerk of the House of Representatives and the Director of the Legislative Fiscal Office shall provide the Committee with such clerical and expert assistance from among their respective staffs as may be necessary.

All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and its staff and shall furnish any and all information that may be requested by the Committee or its staff.

BE IT FURTHER RESOLVED, That the final report of the Committee, along with findings and recommendations, shall be submitted

to the Governor and to each member of the Legislature no later than the seventh legislative day of the regular session. Said Committee shall terminate November 1, 1994.

### CONFERENCE REPORT

On motion of Senator Horn, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Senate Joint Resolution:

**SJR 9. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.**

### RESOLUTIONS

Senator Windom offered the following Senate Joint Resolution, to-wit:

**SJR 29. HONORING DONALD S. JEFFERIES BY NAMING THE GENERAL ADMINISTRATION BUILDING AT SOUTHWEST STATE TECHNICAL COLLEGE THE "DONALD S. JEFFERIES ADMINISTRATION BUILDING."**

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the distinguished and lengthy career of Mr. Donald S. Jefferies in service to Southwest State Technical College; and

WHEREAS, Mr. Jefferies embarked upon his educational career in the Spring of 1954, when Southwest State Technical College opened its doors; and

WHEREAS, following positions as an instructor and as Assistant Director to the President, on July 1, 1974, he was appointed President, a position in which he served until his retirement in June, 1986; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That in recognition of his outstanding service to Southwest State Technical College, we hereby name and designate the General Administration Building at the school as the "Donald S. Jefferies Administration Building."

**BE IT FURTHER RESOLVED,** That the proper officials are hereby authorized to erect and maintain such signs and markers as are

necessary to appropriately identify said building as the "Donald S. Jefferies Administration Building."

RESOLVED FURTHER, That a copy of this resolution be presented to Mr. Jefferies as evidence of our high esteem and warmest personal regard.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bolling offered the following Senate Resolutions, to-wit:

**SR 30. COMMENDING ROYCE MANN FOR DISTINGUISHED AND HONORABLE SERVICE TO THE MARION COUNTY COMMISSION.**

Also:

**SR 31. COMMENDING MORGAN MORROW FOR DISTINGUISHED AND HONORABLE SERVICE TO THE MARION COUNTY COMMISSION.**

Which were filed.

### **APPOINTMENTS OF STANDING COMMITTEES**

The President and Presiding Officer of the Senate announced the following Standing Committees of the Senate for the quadrennium, 1991-1994.

### **ECONOMIC AFFAIRS**

Corbett, Chairperson; Lindsey, Vice Chairperson; Amari, Bennett, Campbell.

### **BANKING AND INSURANCE**

Windom, Chairperson; deGraffenried, Vice Chairperson; Amari, Foshee, Ghee, Horn, Smith (B).

### **RULES**

Preuit, Chairperson; Foshee, Deputy Chairperson; Dial, Vice Chairperson; Amari, Bailey, deGraffenried, Figures, Hale, Mitchem, Smith (B), Smith (J).

**HEALTH**

Smith (J), Chairperson; Waggoner, Vice Chairperson; Bolling, Dixon, Ghee, Hale, Preuitt, Wilson, Windom.

**CONFIRMATIONS**

Foshee, Chairperson; Campbell, Vice Chairperson; Corbett, Dial, Preuitt.

**FINANCE AND TAXATION/EDUCATION FUND**

Horn, Chairperson; Barron, Deputy Chairperson; Mitchem, Vice Chairperson; Bennett, Campbell, deGraffenried, Floyd, Ghee, Hilliard, Langford, Little, Sanders, Smith (J), Waggoner, Wilson.

**FINANCE AND TAXATION/GENERAL FUND**

Horn, Chairperson; Barron, Deputy Chairperson; Sanders, Vice Chairperson; Bailey, Bolling, Denton, Dixon, Figures, Foshee, Hale, Mitchell, Mitchem, Owens, Smith (B), Windom.

**JUDICIARY/CRIMINAL JUSTICE AND PUBLIC SAFETY**

Ellis, Chairperson; Smith (J), Vice Chairperson; Bedsole, Floyd, Lipscomb, Little, Vacancy.

**JUDICIARY/CIVIL**

Parsons, Chairperson; Hale, Vice Chairperson; Ellis, Floyd, Lindsey, Mitchell, Wilson.

**GOVERNMENTAL AFFAIRS/STATE ADMINISTRATION**

Mitchell, Chairperson; Dixon, Vice Chairperson; Corbett, Langford, Lipscomb, Sanders, Smith (B).

**GOVERNMENTAL AFFAIRS/LOCAL GOVERNMENT**

Denton, Chairperson; Owens, Vice Chairperson; Ellis, Hale, Lindsey, Little, Sanders.

**ENERGY AND NATURAL RESOURCES**

Wilson, Chairperson; Foshee, Vice Chairperson; Lindsey, Owens, Preuitt, Waggoner, Windom.

**AGRICULTURE, CONSERVATION, AND FORESTRY**

Bedsole, Chairperson; Lindsey, Vice Chairperson; Bolling, Denton, Ellis, Lipscomb, Mitchem.

**PUBLIC WELFARE**

deGraffenried, Chairperson; Ellis, Vice Chairperson; Hale, Owens, Parsons.

**EDUCATION**

Bennett, Chairperson; Bailey, Vice Chairperson; Bedsole, Floyd, Ghee, Lindsey, Lipscomb, Waggoner, Wilson.

**BUSINESS AND LABOR RELATIONS**

Mitchem, Chairperson; Smith (B), Vice Chairperson; Bolling, Langford, Owens.

**COMMERCE, TRANSPORTATION, AND UTILITIES**

Hilliard, Chairperson; Barron, Vice Chairperson; Campbell, deGraffenried, Foshee, Horn, Langford.

**STATE DEVELOPMENT AND TOURISM**

Langford, Chairperson; Foshee, Vice Chairperson; Barron, Campbell, Mitchell.

**SMALL BUSINESS**

Owens, Chairperson; Bailey, Vice Chairperson; Barron, Corbett, Dixon.

**CONSTITUTION AND ELECTIONS**

Ghee, Chairperson; Little, Vice Chairperson; Bennett, Ellis, Parsons.

**INDUSTRIAL DEVELOPMENT AND EXPANSION**

Dial, Chairperson; Amari, Vice Chairperson; Campbell, Corbett, Denton, Dixon, Windom.

**CONSUMER AFFAIRS**

Bolling, Chairperson; Floyd, Vice Chairperson; Bailey, Hilliard, Sanders.

**LOCAL LEGISLATION NO. 1**

Campbell, Chairperson; Mitchell, Vice Chairperson; Corbett, Foshee, Ghee, Sanders, Wilson.

**LOCAL LEGISLATION NO. 2**

Hilliard, Chairperson; Bennett, Vice Chairperson; Amari, Horn, Parsons, Waggoner.

**LOCAL LEGISLATION NO. 3**

Figures, Chairperson; Lipscomb, Vice Chairperson; Bedsole, Windom.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.**

Also:

**HJR 4. CREATING A LEGISLATIVE PARKING COMMITTEE.**

Also:

**HJR 6. RELATIVE TO MEETING DAYS AND JOINT SESSION.**

Also:

**HJR 7. SETTING JOINT SESSION.**

Also:

**HJR 8. SETTING JOINT SESSION.**

Also:

**HJR 9. EXPRESSING THE LEGISLATURE'S SUPPORT OF  
PRESIDENT BUSH AND OF U. S. TROOPS IN SAUDI ARABIA.**JOHN W. PEMBERTON,  
Clerk.**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 10. RELATIVE TO MEETING DAYS.**

Also:

**HJR 16. MOURNING THE DEATH OF WALTER MONT-  
GOMERY AUSTIN, JR., PH.D., OF NORMAL, ALABAMA.**

Also:

**HJR 17. COMMENDING THE REVEREND RICHARD L.  
HURT ON THE OCCASION OF HIS RETIREMENT.**

Also:

**HJR 18. COMMENDING MRS. PAT SMITH, EXECUTIVE  
DIRECTOR OF THE ETOWAH COUNTY CLEAN AND BEAUTI-  
FUL COMMISSION, FOR HER LEADERSHIP IN IMPROVING THE  
ENVIRONMENT OF OUR STATE.**

Also:



**HJR 19. COMMENDING PETER GREGERSON, SR., FOR OUTSTANDING COMMUNITY SERVICE.**

Also:

**HJR 20. COMMENDING JERRY PRATER FOR OUTSTANDING SERVICE AS FIRE CHIEF IN PHENIX CITY, ALABAMA.**

Also:

**HJR 21. COMMENDING SARA QUINN.**

Also:

**HJR 13. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1991.**

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 33. RELATIVE TO MEETING DAYS.**

Also:

**HJR 38. DESIGNATING APRIL 7 THROUGH 13, 1991, AS "NATIONAL COUNTY GOVERNMENT WEEK" IN ALABAMA.**

Also:

**HJR 39. HONORING ROBERT M. HOPE FOR DISTIN-**

GUISHED SERVICE TO THE STATE OF ALABAMA AND THE ALABAMA STATE DOCKS.

Also:

**HJR 35.** REQUESTING ADEM TO DELAY ISSUANCE OF PERMIT TO OPERATE A SOLID WASTE DISPOSAL SITE IN TALLADEGA COUNTY UNTIL IMPACT ON CHILDERSBURG'S WATER SUPPLY IS DETERMINED.

Also:

**HJR 40.** WELCOMING THE BILL OF RIGHTS NATIONAL TOUR TO ALABAMA AND PROVIDING FOR A LEGISLATIVE DELEGATION TO ATTEND THE EXHIBITION.

JOHN W. PEMBERTON,  
Clerk

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**SJR 6.** REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE COSTS OF ALL LEGAL SERVICES PERFORMED FOR THE STATE OF ALABAMA DURING PAST TWO QUADRENNIUMS.

JOHN W. PEMBERTON,  
Clerk.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate

Joint Resolution and returns same herewith to the Senate:

**SJR 25. CREATING A JUDICIAL COMMISSION TO SET LEGISLATIVE EXPENSE ALLOWANCES.**

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**SJR 23. CREATING THE JOINT INTERIM STUDY COMMITTEE ON INTRASTATE COMMUTER AIR LINE SERVICE IN ALABAMA.**

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 27. REQUESTING ADEM TO DELAY ISSUANCE OF PERMIT TO OPERATE A SOLID WASTE DISPOSAL SITE IN TALLADEGA COUNTY UNTIL IMPACT ON CHILDERSBURG'S WATER SUPPLY IS DETERMINED.**

Also:

**SJR 29. HONORING DONALD S. JEFFERIES BY NAMING THE GENERAL ADMINISTRATION BUILDING AT SOUTHWEST STATE TECHNICAL COLLEGE THE "DONALD S. JEFFERIES ADMINISTRATION BUILDING."**

Also:

**SJR 24. COMMENDING MONTGOMERY CITIZEN OF THE YEAR, MAYOR EMORY FOLMAR.**

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the amendment to the Senate Joint Resolution.

#### **SJR 9. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.**

And said Senate Joint Resolution as thus amended by the Report of the Committee on Conference was again read and passed.

And said Senate Joint Resolution, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

#### **SJR 6. REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE COSTS OF ALL LEGAL SERVICES PERFORMED FOR THE STATE OF ALABAMA DURING PAST TWO QUADRENNIUMS.**

JIM PREUITT,  
Chairperson

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title

had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 23. CREATING THE JOINT INTERIM STUDY COMMITTEE ON INTRASTATE COMMUTER AIR LINE SERVICE IN ALABAMA.**

Also:

**SJR 24. COMMENDING MONTGOMERY CITIZEN OF THE YEAR, MAYOR EMORY FOLMAR.**

Also:

**SJR 25. CREATING A JUDICIAL COMMISSION TO SET LEGISLATIVE EXPENSE ALLOWANCES.**

Also:

**SJR 27. REQUESTING ADEM TO DELAY ISSUANCE OF PERMIT TO OPERATE A SOLID WASTE DISPOSAL SITE IN TALLADEGA COUNTY UNTIL IMPACT ON CHILDERSBURG'S WATER SUPPLY IS DETERMINED.**

Also:

**SJR 29. HONORING DONALD S. JEFFERIES BY NAMING THE GENERAL ADMINISTRATION BUILDING AT SOUTHWEST STATE TECHNICAL COLLEGE THE "DONALD S. JEFFERIES ADMINISTRATION BUILDING."**

JIM PREUITT,  
Chairperson

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after

the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

**SJR 9. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.**

JIM PREUITT,  
Chairperson

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 7

SJR 8

SJR 10

Delivered to the Governor, January 15, 1991, at 1:40 P.M.

SJR 6

SJR 25

SJR 29

SJR 23

SJR 27

SJR 9

SJR 24

Delivered to the Governor, January 15, 1991, at 3:40 P.M.

McDOWELL LEE,  
Secretary of Senate

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 1 o'clock P.M., on motion of Senator deGraffenried, in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

McDOWELL LEE,  
Secretary of Senate

**ROSTER OF THE SENATE OF ALABAMA**  
**ORGANIZATIONAL SESSION 1991**

**OFFICERS**

- JIM FOLSOM, JR., *Lieutenant Governor*, Cullman
- RYAN deGRAFFENRIED, *President Pro-Tempore*, Tuscaloosa
- McDOWELL LEE, *Secretary*, Montgomery
- D. PATRICK HARRIS, *Assistant Secretary*, Montgomery
- DAVE AVANT, *Administrative Assistant*, Prattville
- MRS. WILLIAM R. LAWLEY, JR., *Chief Clerk*, Montgomery

**MEMBERS OF THE SENATE**

Dist. Nos.	Counties & Names	Addresses
1	COLBERT, LAUDERDALE	
	Bobby E. Denton.....	P.O. Box 987, Tuscumbia 35674
2	LAUDERDALE, LIMESTONE, MADISON	
	Jim Smith .....	108-A South Side Square, Huntsville 35801
3	LAWRENCE, MORGAN	
	Ray Campbell .....	P.O. Box 1988, Decatur 35602-1988
4	CULLMAN, MADISON, MORGAN	
	Don Hale .....	1725 Woodland Street, N.W., Cullman 35055
5	PICKENS, TUSCALOOSA, WALKER	
	Robert T. Wilson, Jr. ....	P.O. Box 2088, Jasper 35502
6	FAYETTE, FRANKLIN, LAMAR, MARION, WINSTON	
	George R. Bolling .....	P.O. Box 350, Fayette 35555
7	MADISON	
	Bill G. Smith .....	2009 Gallatin Street, S.W., Huntsville 35801



- 8 DEKALB, JACKSON, MADISON  
Lowell Ray Barron .....P.O. Box 65, Fyffe 35971
- 9 BLOUNT, DEKALB, MARSHALL  
Hinton Mitchem.....P.O. Box 297, Albertville 35950
- 10 ETOWAH  
Jack Floyd .....816 Chestnut Street, Gadsden 35999
- 11 COOSA, ELMORE, TALLADEGA  
James E. (Jim) Preuitt .....P.O. Box 1063, Talladega 35160
- 12 CALHOUN  
Doug Ghee .....P.O. Box 848, Anniston 36202
- 13 CHAMBERS, CHEROKEE, CLAY, CLEBURNE, DEKALB,  
RANDOLPH  
Gerald Dial .....P.O. Box 248, Lineville 36266
- 14 BIBB, SHELBY, ST. CLAIR  
Frank (Butch) Ellis, Jr. ....P.O. Box 587, Columbiana 35051
- 15 JEFFERSON  
John E. Amari .....1337 Stonecrest Drive, Birmingham 35235
- 16 JEFFERSON  
J. T. (Jabo) Waggoner. ....Two Perimeter Park, South  
Suite 224 W., Birmingham 35243
- 17 JEFFERSON  
Mac Parsons.....P.O. Box 3336, Hueytown 35023
- 18 JEFFERSON  
W. Fred Horn .....333 16th Avenue, S.W., Birmingham 35211
- 19 JEFFERSON  
Jim Bennett.....822 Hickory Knoll, Birmingham 35226
- 20 JEFFERSON  
Earl F. Hilliard.....P.O. Box 11385, Birmingham 35202
- 21 HALE, TUSCALOOSA  
Ryan deGraffenried, Jr.....P.O. Box 2263, Tuscaloosa 35406
- 22 CHOCTAW, CLARKE, CONECUH, MARENGO, MONROE,  
WASHINGTON

- W. H. (Pat) Lindsey.....126 South Mulberry, Butler 36904
- 23 CHOCTAW, DALLAS, GREENE, LOWNDES, PERRY,  
SUMTER, WILCOX  
Henry (Hank) Sanders.....P.O. Box 1305, Selma 36702
- 24 AUTAUGA, BIBB, CHILTON, DALLAS  
Walter Owens .....115 Pine Avenue, Centreville 35042
- 25 MONTGOMERY  
Larry Dixon.....P.O. Box 946, Montgomery 36101
- 26 ELMORE, MONTGOMERY  
Charles D. Langford .....918 E. Grove Street, Montgomery 36104
- 27 LEE, TALLAPOOSA  
T. D. (Ted) Little .....P.O. Box 2366, Auburn 36831
- 28 BARBOUR, BULLOCK, MACON, RUSSELL  
J. Danny Corbett .....45 Wiggins Lane, Phenix City 36869
- 29 GENEVA, HENRY, HOUSTON  
Chip Bailey.....P.O. Box 6791, Dothan 36302
- 30 BUTLER, CRENSHAW, DALE, PIKE  
"Walking" Wendell Mitchell .....P.O. Box 225, Luverne 36049
- 31 COFFEE, COVINGTON, ESCAMBIA  
E. Crum Foshee.....Alabama State House, Montgomery 36130
- 32 BALDWIN, MOBILE  
Albert Lipscomb.....P.O. Box 209, Magnolia Springs 36555
- 33 MOBILE  
Michael A. Figures .....2317 St. Stephens Road, Mobile 36617
- 34 MOBILE  
Ann Bedsole .....P.O. Box 16642, Mobile 36616
- 35 MOBILE  
Steve Windom .....P.O. Drawer 2025, Mobile 36652
-

**STANDING COMMITTEES  
OF THE  
ALABAMA STATE SENATE  
1991**

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**ECONOMIC AFFAIRS**

Corbett, Chairperson; Lindsey, Vice Chairperson; Amari, Bennett, Campbell.

**BANKING AND INSURANCE**

Windom, Chairperson; deGraffenried, Vice Chairperson; Amari, Foshee, Ghee, Horn, Smith (B).

**RULES**

Preuit, Chairperson; Foshee, Deputy Chairperson; Dial, Vice Chairperson; Amari, Bailey, deGraffenried, Figures, Hale, Mitchem, Smith (B), Smith (J).

**HEALTH**

Smith (J), Chairperson; Waggoner, Vice Chairperson; Bolling, Dixon, Ghee, Hale, Preuit, Wilson, Windom.

**CONFIRMATIONS**

Foshee, Chairperson; Campbell, Vice Chairperson; Corbett, Dial, Preuit.

**FINANCE AND TAXATION/EDUCATION FUND**

Horn, Chairperson; Barron, Deputy Chairperson; Mitchem, Vice Chairperson; Bennett, Campbell, deGraffenried, Floyd, Ghee, Hilliard, Langford, Little, Sanders, Smith (J), Waggoner, Wilson.

**FINANCE AND TAXATION/GENERAL FUND**

Horn, Chairperson; Barron, Deputy Chairperson; Sanders, Vice Chairperson; Bailey, Bolling, Denton, Dixon, Figures, Foshee, Hale, Mitchell, Mitchem, Owens, Smith (B), Windom.

**JUDICIARY/CRIMINAL JUSTICE AND PUBLIC SAFETY**

Ellis, Chairperson; Smith (J), Vice Chairperson; Bedsole, Floyd, Lipscomb, Little, Vacancy.

**JUDICIARY/CIVIL**

Parsons, Chairperson; Hale, Vice Chairperson; Ellis, Floyd, Lindsey, Mitchell, Wilson.

**GOVERNMENTAL AFFAIRS/STATE ADMINISTRATION**

Mitchell, Chairperson; Dixon, Vice Chairperson; Corbett, Langford, Lipscomb, Sanders, Smith (B).

**GOVERNMENTAL AFFAIRS/LOCAL GOVERNMENT**

Denton, Chairperson; Owens, Vice Chairperson; Ellis, Hale, Lindsey, Little, Sanders.

**ENERGY AND NATURAL RESOURCES**

Wilson, Chairperson; Foshee, Vice Chairperson; Lindsey, Owens, Preuitt, Waggoner, Windom.

**AGRICULTURE, CONSERVATION, AND FORESTRY**

Bedsole, Chairperson; Lindsey, Vice Chairperson; Bolling, Denton, Ellis, Lipscomb, Mitchem.

**PUBLIC WELFARE**

deGraffenried, Chairperson; Ellis, Vice Chairperson; Hale, Owens, Parsons.

**EDUCATION**

Bennett, Chairperson; Bailey, Vice Chairperson; Bedsole, Floyd, Ghee, Lindsey, Lipscomb, Waggoner, Wilson.

**BUSINESS AND LABOR RELATIONS**

Mitchem, Chairperson; Smith (B), Vice Chairperson; Bolling, Langford, Owens.

**COMMERCE, TRANSPORTATION, AND UTILITIES**

Hilliard, Chairperson; Barron, Vice Chairperson; Campbell, deGraffenried, Foshee, Horn, Langford.

**STATE DEVELOPMENT AND TOURISM**

Langford, Chairperson; Foshee, Vice Chairperson; Barron, Campbell, Mitchell.

**SMALL BUSINESS**

Owens, Chairperson; Bailey, Vice Chairperson; Barron, Corbett, Dixon.

**CONSTITUTION AND ELECTIONS**

Ghee, Chairperson; Little, Vice Chairperson; Bennett, Ellis, Parsons.

**INDUSTRIAL DEVELOPMENT AND EXPANSION**

Dial, Chairperson; Amari, Vice Chairperson; Campbell, Corbett, Denton, Dixon, Windom.

**CONSUMER AFFAIRS**

Bolling, Chairperson; Floyd, Vice Chairperson; Bailey, Hilliard, Sanders.

**LOCAL LEGISLATION NO. 1**

Campbell, Chairperson; Mitchell, Vice Chairperson; Corbett, Foshee, Ghee, Sanders, Wilson.

**LOCAL LEGISLATION NO. 2**

Hilliard, Chairperson; Bennett, Vice Chairperson; Amari, Horn, Parsons, Waggoner.

**LOCAL LEGISLATION NO. 3**

Figures, Chairperson; Lipscomb, Vice Chairperson; Bedsole, Windom.

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**COMMITTEE ASSIGNMENTS FOR 1991  
ALABAMA STATE SENATE**

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**15th District****AMARI, JOHN**

Vice Chairperson, Industrial Development and Expansion; Economic Affairs; Banking and Insurance; Rules; Local Legislation No. 2.

**29th District****BAILEY, CHIP**

Vice Chairperson, Education; Vice Chairperson, Small Business; Rules; Finance and Taxation/General Fund; Consumer Affairs.

**8th District****BARRON, LOWELL**

Deputy Chairperson, Finance and Taxation/Education Fund; Deputy Chairperson, Finance and Taxation/General Fund; Vice Chairperson, Commerce, Transportation, and Utilities; State Development and Tourism; Small Business.

**34th District****BEDSOLE, ANN**

Chairperson, Agriculture, Conservation, and Forestry; Judiciary/Criminal Justice and Public Safety; Education; Local Legislation No. 3.

**19th District****BENNETT, JIM**

Chairperson, Education; Vice Chairperson, Local Legislation No. 2; Economic Affairs; Finance and Taxation/Education Fund; Constitution and Elections.

**6th District****BOLLING, GEORGE**

Chairperson, Consumer Affairs; Health; Finance and Taxation/General Fund; Agriculture, Conservation, and Forestry; Business and Labor Relations.

**3rd District****CAMPBELL, RAY**

Chairperson, Local Legislation No. 1; Vice Chairperson, Confirmations; Economic Affairs; Finance and Taxation/Education Fund; Commerce, Transportation, and Utilities; State Development and Tourism; Industrial Development and Expansion.

**28th District****CORBETT, DANNY**

Chairperson, Economic Affairs; Confirmations; Governmental Affairs/State Administration; Small Business; Industrial Development and Expansion; Local Legislation No. 1.

**21st District****deGRAFFENRIED, RYAN**

Chairperson, Public Welfare; Vice Chairperson, Banking and Insurance; Rules; Finance and Taxation/Education Fund; Commerce, Transportation, and Utilities.

**1st District****DENTON, BOBBY**

Chairperson, Governmental Affairs/Local Government; Finance and Taxation/General Fund; Agriculture, Conservation, and Forestry; Industrial Development and Expansion.

**13th District****DIAL, GERALD**

Chairperson, Industrial Development and Expansion; Vice Chairperson, Rules; Confirmations.

**25th District****DIXON, LARRY**

Vice Chairperson, Governmental Affairs/State Administration; Health; Finance and Taxation/General Fund; Small Business; Industrial Development and Expansion.

**14th District****ELLIS, FRANK**

Chairperson, Judiciary/Criminal Justice and Public Safety; Vice

Chairperson, Public Welfare; Judiciary/Civil; Governmental Affairs/Local Government; Agriculture, Conservation, and Forestry; Constitution and Elections.

### **33rd District**

**FIGURES, MICHAEL**

Chairperson, Local Legislation No. 3; Rules; Finance and Taxation/General Fund.

### **10th District**

**FLOYD, JACK**

Vice Chairperson, Consumer Affairs; Finance and Taxation/Education Fund; Judiciary/Criminal Justice and Public Safety; Judiciary/Civil; Education.

### **31st District**

**FOSHEE, CRUM**

Chairperson, Confirmations; Deputy Chairperson, Rules; Vice Chairperson, Energy and Natural Resources; Vice Chairperson, State Development and Tourism; Banking and Insurance; Finance and Taxation/General Fund; Commerce, Transportation, and Utilities; Local Legislation No. 1.

### **12th District**

**GHEE, DOUG**

Chairperson, Constitution and Elections; Banking and Insurance; Health; Finance and Taxation/Education Fund; Education; Local Legislation No. 1.

### **4th District**

**HALE, DON**

Vice Chairperson, Judiciary/Civil; Rules; Health; Finance and Taxation/General Fund; Governmental Affairs/Local Government; Public Welfare.

### **20th District**

**HILLIARD, EARL**

Chairperson, Commerce, Transportation, and Utilities; Chairperson, Local Legislation No. 2; Finance and Taxation/Education Fund; Consumer Affairs.



**18th District****HORN, FRED**

Chairperson, Finance and Taxation/Education Fund; Chairperson, Finance and Taxation/General Fund; Banking and Insurance; Commerce, Transportation, and Utilities; Local Legislation No. 2.

**26th District****LANGFORD, CHARLES**

Chairperson, State Development and Tourism; Finance and Taxation/Education Fund; Governmental Affairs/State Administration; Business and Labor Relations; Commerce, Transportation, and Utilities.

**22nd District****LINDSEY, PAT**

Vice Chairperson, Economic Affairs; Vice Chairperson, Agriculture, Conservation, and Forestry; Judiciary/Civil; Governmental Affairs/Local Government; Energy and Natural Resources; Education.

**32nd District****LIPSCOMB, ALBERT**

Vice Chairperson, Local Legislation No. 3; Judiciary/Criminal Justice and Public Safety; Governmental Affairs/State Administration; Agriculture, Conservation, and Forestry; Education.

**27th District****LITTLE, TED**

Vice Chairperson, Constitution and Elections; Finance and Taxation/Education Fund; Judiciary/Criminal Justice and Public Safety; Governmental Affairs/Local Government.

**30th District****MITCHELL, WENDELL**

Chairperson, Governmental Affairs/State Administration; Vice Chairperson, Local Legislation No. 1; Finance and Taxation/General Fund; Judiciary/Civil; State Development and Tourism.

**9th District****MITCHEM, HINTON**

Chairperson, Business and Labor Relations; Vice Chairperson, Finance

and Taxation/Education Fund; Rules; Finance and Taxation/General Fund; Agriculture, Conservation, and Forestry.

#### **24th District**

**OWENS, WALTER**

Chairperson, Small Business; Vice Chairperson, Governmental Affairs/Local Government; Finance and Taxation/General Fund; Energy and Natural Resources; Public Welfare; Business and Labor Relations.

#### **17th District**

**PARSONS, MAC**

Chairperson, Judiciary/Civil; Public Welfare; Constitution and Elections; Local Legislation No. 2.

#### **11th District**

**PREUITT, JIM**

Chairperson, Rules; Health; Confirmations; Energy and Natural Resources.

#### **23rd District**

**SANDERS, HANK**

Vice Chairperson, Finance and Taxation/General Fund; Finance and Taxation/ Education Fund; Governmental Affairs/State Administration; Governmental Affairs/Local Government; Consumer Affairs; Local Legislation No. 1.

#### **7th District**

**SMITH, BILL**

Vice Chairperson, Business and Labor Relations; Banking and Insurance; Rules; Finance and Taxation/General Fund; Governmental Affairs/State Administration.

#### **2nd District**

**SMITH, JIM**

Chairperson, Health; Vice Chairperson, Judiciary/Criminal Justice and Public Safety; Rules; Finance and Taxation/Education Fund.

#### **16th District**

**WAGGONER, JABO**

Vice Chairperson, Health; Finance and Taxation/Education Fund; Ener-

gy and Natural Resources; Education; Local Legislation No. 2.

**5th District**

**WILSON, ROBERT, JR.**

Chairperson, Energy and Natural Resources; Health; Finance and Taxation/Education Fund; Judiciary/Civil; Education; Local Legislation No. 1.

**35th District**

**WINDOM, STEVE**

Chairperson, Banking and Insurance; Health; Finance and Taxation/General Fund; Energy and Natural Resources; Industrial Development and Expansion; Local Legislation No. 3.

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**HOUSE OF REPRESENTATIVES  
ORGANIZATIONAL SESSION 1991  
ALPHABETICAL ROSTER AND DISTRICT NUMBER**

Morris Anderson, 8  
David Barnes, 58  
John P. Beasley, 85  
Jack Biddle, III, 43  
Lucius Black, 67  
Marcel Black, 2  
Harrell Blakeney, 66  
W. C. "Bill" Bowling, 12  
Mike Box, 96  
Morris J. "Mo" Brooks, Jr., 10  
Jenkins Bryant, Jr., 68  
June Bugg, 29  
Ralph Burke, 24  
John L. Buskey, 77  
James E. Buskey, 99  
Tom Butler, 6  
Johnny Cagle, 14  
James M. Campbell, 36  
Jim Carns, 46  
Joe Carothers, 86  
Tommy Carter, 5  
James S. (Jimmy) Clark, 84  
William "Bill" Clark, 98  
George H. Clay, 82  
W. F. "Noopie" Cosby, Jr., 70  
Bobby Crow, 35  
James T. Cullins, 81  
Johnny L. Curry, 50  
Jeff Dolbare, 65  
Tom Drake, 11  
Sundra Escott-Russell, 60  
Steve Flowers, 89  
Joe Ford, 28  
Dewayne Freeman, 21  
Bill Fuller, 38  
Mark Gaines, 55  
Victor Gaston, 100  
J. W. (Joe) Goodwin, 3  
George Grayson, 19  
Jane Gullatt, 83

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Albert Hall, 22  
James H. (Goat) Hamilton, 4  
Seth Hammett, 92  
Taylor Harper., 105  
Bob Harvey, 27  
John H. Hawkins, Jr., 48  
Clarence Haynes, 32  
G. J. (Dutch) Higginbotham, 80  
Mike Hill, 41  
Tom Hogan, 13  
Hugh Holladay, 42  
Jimmy W. Holley, 91  
Alvin Holmes, 78  
Perry O. Hooper, Jr., 73  
Ron Johnson, 33  
Yvonne Kennedy, 103  
Al Knight, 40  
Ken Kvalheim, 101  
Richard Laird, 37  
Allen Layson, 15  
Sam Letson, 7  
Richard Lindsey, 39  
Nathan Mathis, 87  
Edward B. (E. B.) McClain, 57  
W. F. (Frank) McDaniel, 26  
Bobby Greene McDowell, 56  
Bob McKee, 74  
Steve McMillan, 95  
Bryant Melton, Jr., 61  
Mike Mikell, 76  
Mike Millican, 17  
Johnny Mack Morrow, 18  
Albert G. Morton, 45  
Max "Spider" Newman, 16  
Charles Newton, 90  
Demetrius C. Newton, 53  
Paul Parker, 9  
Tim Parker, 63  
Arthur Payne, 44  
Walter E. Penry, Jr., 94

George Perdue, 54  
Tony Petelos, 49  
Phil Poole, 62  
Horace W. Powell, 71  
Kerry Rich, 25  
Ben Richardson, 23  
Lois Rockhold, 104  
Frank Rogers, 51  
John W. Rogers, 52  
Howard Sanderford, 20  
Allen Sanderson, 47  
Roy Smith, 30  
Curtis Smith, 72

Lewis G. Spratt, Sr., 59  
Nelson R. Starkey, Jr., 1  
James Louis Thomas, 69  
J. E. Turner, 102  
Pete Turnham, 79  
Jack B. Venable, 31  
James E. (Jimmy) Warren, 64  
Claud Walker, 75  
F. P. "Skippy" White, 93  
R. Nolan Williams, 88  
Gerald Willis, 34  
Mary S. Zoghby, 97

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**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA  
ORGANIZATIONAL SESSION 1991**

**OFFICERS**

JAMES S. CLARK, *Speaker*, Eufaula

JAMES M. CAMPBELL, *Speaker Pro Tempore*, Anniston

JOHN W. PEMBERTON, *Clerk*, Montgomery

GREG PAPPAS, *Assistant Clerk*, Montgomery

VANNAH W. NORRELL, *Chief Clerk*, Montgomery

**MEMBERS OF THE HOUSE**

Dist. Nos.	Counties & Names	Addresses
1	LAUDERDALE Nelson R. Starkey, Jr. ....	301 North Pine Street, Florence 35630
2	COLBERT Marcel Black .....	P.O. Box 491, Tuscumbia 35674
3	COLBERT, LAUDERDALE J. W. (Joe) Goodwin .....	310 Ford Road, Muscle Shoals 35661
4	LAUDERDALE, LIMESTONE James H. (Goat) Hamilton .....	Route 3, Box 119, Rogersville 35652
5	LIMESTONE Tommy Carter .....	Route 2, Box 82, Elkmont 35620
6	MADISON Tom Butler .....	136 Hartington Drive, Madison 35758
7	LAWRENCE, MORGAN Sam Letson .....	3980 Highway 36, Moulton 35650
8	MORGAN Morris Anderson .....	1402 Runnymede, Southwest, Decatur 35601

- 9 MORGAN  
Paul Parker .....303 North Douglas Street, Hartselle 35640
- 10 MADISON  
Morris J. "Mo" Brooks, Jr....9009 Randall Road, Huntsville 35802
- 11 CULLMAN, MORGAN  
Tom Drake .....P.O. Box 1165, Cullman 35055
- 12 CULLMAN  
W. C. "Bill" Bowling .....Route 2, Box 751, Hanceville 35077
- 13 WALKER  
Tom Hogan .....300 12th Avenue, Northeast, Jasper 35501
- 14 TUSCALOOSA, WALKER  
Johnny Cagle .....Route 2, Box 105, Nauvoo 35578
- 15 PICKENS, TUSCALOOSA  
Allen Layson .....P.O. Box 910, Reform 35481
- 16 FAYETTE, LAMAR, MARION  
Max "Spider" Newman.....P.O. Box 548, Millport 35576-0548
- 17 MARION, WINSTON  
Mike Millican .....Route 1, Box 71, Hamilton 35570
- 18 FRANKLIN, MARION  
Johnny Mack Morrow .....Route 6, Box 262A, Russellville 35653
- 19 MADISON  
George Grayson.....P.O. Box 38, Normal 35762
- 20 MADISON  
Howard Sanderford.....908 Tannahill Drive, Huntsville 35802-1971
- 21 MADISON  
Dewayne Freeman.....114 East Becky Circle, Meridianville 35759
- 22 JACKSON, MADISON  
Albert Hall.....Route 1, P.O. Box 275, Gurley 35748
- 23 JACKSON  
Ben Richardson .....P.O. Box 1017, Scottsboro 35768

- 24 DEKALB  
Ralph Burke .....P.O. Box 876, Fort Payne 35967
- 25 MADISON  
Kerry Rich .....117 Stoddard Circle, Arab 35016
- 26 DEKALB, MARSHALL  
W. F. (Frank) McDaniel .....P.O. Box 577, Albertville 35950
- 27 BLOUNT  
Bob Harvey.....Route 5, Box 4098, Oneonta 35121
- 28 ETOWAH  
Joe Ford .....Gadsden State Community College  
P.O. Box 227, Gadsden 35902-0227
- 29 ETOWAH  
June Bugg .....610 South Fifth Street, Gadsden 35901
- 30 ETOWAH, ST. CLAIR  
Roy Smith .....208 Robin Circle, Gadsden 35901
- 31 COOSA, ELMORE  
Jack B. Venable .....P.O. Box 736, Tallassee 36078
- 32 TALLADEGA  
Clarence Haynes.....P.O. Box 1041, Talladega 35160
- 33 TALLADEGA  
Ron Johnson .....Route 5, Box 17, Sylacauga 35150
- 34 CALHOUN  
Gerald Willis .....Route 2, Box 286, Piedmont 36272
- 35 CALHOUN  
Bobby Crow .....150 Huckelberry Ridge, Anniston 36201
- 36 CALHOUN  
James M. Campbell.....P.O. Box 2003, Anniston 36202
- 37 CHAMBERS, RANDOLPH, CLAY  
Richard Laird .....1507 Bonner Drive, Roanoke 36274
- 38 CHAMBERS  
Bill Fuller .....118 South LaFayette Street, LaFayette 36862



- 39 CHEROKEE, CLEBURNE, DEKALB  
Richard Lindsey.....Route 2, Box 394, Centre 35960
- 40 BIBB, SHELBY  
Al Knight.....2421 Brook Run, Birmingham 35244
- 41 SHELBY  
Mike Hill .....301 Pitts Drive, Columbiana 35051
- 42 ST. CLAIR  
Hugh Holladay .....P.O. Box J, Pell City 35125
- 43 JEFFERSON  
Jack Biddle, III .....2256 Pinehurst Drive, Gardendale 35071
- 44 JEFFERSON  
Arthur Payne ...2825 Second Street, Northwest, Birmingham 35215
- 45 JEFFERSON  
Albert G. Morton .....833 Zellmark Drive, Birmingham 35235
- 46 JEFFERSON  
Jim Carns .....Modern Sales, Inc., 3 Office Park Circle  
Suite 120, Birmingham 35223
- 47 JEFFERSON  
Allen Sanderson.....126 Greenbriar Lane, Birmingham 35213
- 48 JEFFERSON  
John H. Hawkins, Jr. ....1841 Montclair Drive, Birmingham 35216
- 49 JEFFERSON  
Tony Petelos .....1241 13th Place, Pleasant Grove 35127
- 50 JEFFERSON  
Johnny L. Curry .....3264 Fieldale Drive, Hueytown 35023
- 51 JEFFERSON  
Frank Rogers .....803 North Main Street, Graysville 35073
- 52 JEFFERSON  
John W. Rogers ...1424 18th Street, Southwest, Birmingham 35211
- 53 JEFFERSON  
Demetrius C. Newton .....P.O. Box 2525, Birmingham 35202

- 54 JEFFERSON  
George Perdue .....P.O. Box 2473, Birmingham 35201
- 55 JEFFERSON  
Mark Gaines .....329 Sterrett Avenue, Homewood 35209
- 56 JEFFERSON  
Bobbie Greene McDowell2322 Dartmouth Avenue, Bessemer 35020
- 57 JEFFERSON  
Edward B. (E. B.) McClain.....3826 Troy Terrace, Brighton 35020
- 58 JEFFERSON  
David Barnes .....9717 Zion City Road, Birmingham 35217
- 59 JEFFERSON  
Lewis G. Spratt, Sr...3809 Fourth Street, West, Birmingham 35207
- 60 JEFFERSON  
Sundra Escott-Russell .....P.O. Box 8343, Birmingham 35218
- 61 TUSCALOOSA  
Bryant Melton, Jr. ....5003 4th Avenue, Tuscaloosa 35405
- 62 TUSCALOOSA  
Phil Poole.....P.O. Box 609, Moundville 35474
- 63 TUSCALOOSA  
Tim Parker.....P.O. Box 020908, Tuscaloosa 35402-0908
- 64 CONECUH, MONROE  
James E. (Jimmy) Warren .....P.O. Box 207, Castleberry 36432
- 65 CLARKE, WASHINGTON  
Jeff Dolbare.....Star Route, Box 17, Bigbee 36510
- 66 CHOCTAW, CLARKE, MARENGO  
Harrell Blakeney .....1101 Old Highway 5, South  
Thomasville 36784
- 67 CHOCTAW, GREENE, SUMTER  
Lucius Black .....P.O. Box 284, York 36925
- 68 DALLAS, PERRY, HALE  
Jenkins Bryant, Jr. ....Route 1, Box 482, Newbern 36765

- 69 DALLAS, LOWNDES, WILCOX  
James Louis Thomas .....2713 Highway 14, E., Selma 36701
- 70 DALLAS  
W. F. "Noopie" Cosby, Jr. ....P.O. Box 683, Selma 36702
- 71 AUTAUGA, CHILTON  
Horace W. Powell .....943 East Main Street, Prattville 36067
- 72 BIBB, CHILTON  
Curtis Smith .....Route 3, Box 118, Clanton 35045
- 73 MONTGOMERY  
Perry O. Hooper, Jr. ....503 South Court Street, Suite 320  
Montgomery 36104
- 74 MONTGOMERY  
Bob McKee .....P.O. Box 424, Montgomery 36101
- 75 MONTGOMERY  
Claud Walker.....P.O. Box 250477, Montgomery 36125
- 76 ELMORE, MONTGOMERY  
Mike Mikell.....P.O. Box 993, Millbrook 36054
- 77 MONTGOMERY  
John L. Buskey.....P.O. Box 6216, Montgomery 36106
- 78 MONTGOMERY  
Alvin Holmes .....P.O. Box 6064, Montgomery 36106
- 79 LEE  
Pete Turnham .....P.O. Box 1592, Auburn 36830
- 80 LEE  
G. J. (Dutch) Higginbotham.....P.O. Box 2545, Opelika 36803
- 81 TALLAPOOSA  
James T. Cullins .....P.O. Box 5, Alexander City 35010
- 82 BULLOCK, MACON  
George H. Clay .....1201 Lake Shore Drive, Tuskegee 36083
- 83 RUSSELL  
Jane Gullatt.....P.O. Box 626, Phenix City 36867

- 84 **BARBOUR, RUSSELL**  
James S. (Jimmy) Clark .....P.O. Box 71, Eufaula 36027
- 85 **HENRY, HOUSTON**  
John P. Beasley .....P.O. Drawer M, Columbia 36319
- 86 **HOUSTON**  
Joe Carothers.....Route 8, Box 33, Dothan 36301
- 87 **GENEVA, HOUSTON**  
Nathan Mathis .....Route 1, Newton 36352
- 88 **DALE**  
R. Nolan Williams .....Troy State, Dothan  
P.O. Box 8368, Dothan 36304
- 89 **DALE, PIKE**  
Steve Flowers .....P.O. Box 973, Troy 36081
- 90 **BUTLER, CRENSHAW**  
Charles Newton.....301 South Park Street, Greenville 36037
- 91 **COFFEE**  
Jimmy W. Holley.....Route 2, Box 254-E, Elba 36323
- 92 **COVINGTON**  
Seth Hammett.....P.O. Box 1418, Andalusia 36420
- 93 **ESCAMBIA**  
F. P. "Skippy" White ...Route 1, Box 427-Pollard, Flomaton 36441
- 94 **BALDWIN**  
Walter E. Penry, Jr.....12040 County Road 54, Daphne 36526
- 95 **BALDWIN**  
Steve McMillan .....P.O. Box 337, Bay Minette 36507
- 96 **MOBILE**  
Mike Box .....155 South Warren Street, Mobile 36602
- 97 **MOBILE**  
Mary S. Zoghby .....2862 Hilburn Drive, Mobile 36606
- 98 **MOBILE**  
William "Bill" Clark .....711 Atmore Avenue, Prichard 36612

- 99 MOBILE  
James E. Buskey.....2207 Barretts Lane, Mobile 36617
- 100 MOBILE  
Victor Gaston .....864 West Parkwood Drive, Mobile 36608
- 101 MOBILE  
Ken Kvalheim.....421 Dogwood Drive, Mobile 36609
- 102 MOBILE  
J. E. Turner.....P.O. Box 777, Citronelle 36522
- 103 MOBILE  
Yvonne Kennedy.....1205 Glennon Avenue, Mobile 36603
- 104 MOBILE  
Lois Rockhold.....5163 Santos Drive, East, Mobile 36619
- 105 MOBILE  
Taylor Harper.....P.O. Box 229, Grand Bay 36541
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**STANDING COMMITTEES  
HOUSE OF REPRESENTATIVES  
OF ALABAMA 1991**

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**RULES**

Tommy Carter, Chairperson; Joe Ford, Vice Chairperson; Members: Jenkins Bryant, James Buskey, Jim Carns, Joe Carothers, William Clark, Albert Hall, Bob Harvey, Clarence Haynes, Ron Johnson, Bobbie McDowell, Allen Sanderson, Jimmy Warren, Frank ("Skippy") White.

**WAYS AND MEANS**

Taylor Harper, Chairperson; Pete Turnham, Vice Chairperson; Members: Ralph Burke, John Buskey, Johnny Curry, Dewayne Freeman, William Fuller, John Hawkins, Yvonne Kennedy, Nathan Mathis, Ed McClain, Max Newman, Tim Parker, John Rogers, Nolan Williams.

**JUDICIARY**

G. J. Higginbotham, Chairperson; Frank Rogers, Vice Chairperson; Members: Morris Anderson, David Barnes, Lucius Black, Marcel Black, Mike Box, John Buskey, Jim Campbell, Mark Gaines, Hugh Holladay, Ron Johnson, Ken Kvalheim, Demetrius Newton, Tony Petelos.

**STATE ADMINISTRATION**

James Thomas, Chairperson; Clarence Haynes, Vice Chairperson; Members: Jack Biddle, June Bugg, James Buskey, Joe Goodwin, George Grayson, Tom Hogan, Alvin Holmes, Al Knight, Johnny Morrow, Albert Morton, Max Newman, Paul Parker, Nelson Starkey.

**BUSINESS AND LABOR**

John Beasley, Chairperson; Frank McDaniel, Vice Chairperson; Members: Johnny Cagle, Tommy Carter, James Cullins, William Fuller, Mark Gaines, Yvonne Kennedy, Richard Laird, Allen Layson, Steve McMillan, Bryant Melton, Arthur Payne, Roy Smith, Lewis Spratt.

### HEALTH

Joe Carothers, Chairperson; Ron Johnson, Vice Chairperson;  
Members: John Beasley, Jack Biddle, Bill Bowling, Tom Butler, Tom Drake, Steve Flowers, Dewayne Freeman, Albert Hall, Clarence Haynes, Ken Kvalheim, Ed McClain, Bobbie McDowell, Lois Rockhold.

### BANKING

Mary Zoghby, Chairperson; John Hawkins, Vice Chairperson;  
Members: John Beasley, "Noopie" Cosby, Sundra Escott-Russell, Joe Ford, Mark Gaines, Seth Hammett, Mike Hill, Hugh Holladay, Johnny Morrow, Charles Newton, George Perdue, Tony Petelos, James Thomas.

### INSURANCE

Steve Flowers, Chairperson; James Buskey, Vice Chairperson;  
Members: Jim Carns, George Clay, Albert Hall, Jimmy Holley, Richard Lindsey, Frank McDaniel, Bob McKee, Horace Powell, Lois Rockhold, Lewis Spratt, Jack Venable, Nolan Williams, Replacement for House District #10 Seat (Madison County).

### EDUCATION

Paul Parker, Chairperson; June Bugg, Vice Chairperson;  
Members: William Clark, Jeff Dolbare, John Hawkins, Mike Hill, Hugh Holladay, Alvin Holmes, Bryant Melton, Mike Millican, Johnny Morrow, Phil Poole, Horace Powell, Curtis Smith, Mary Zoghby.

### AGRICULTURE, FORESTRY AND NATURAL RESOURCES

Richard Lindsey, Chairperson; Curtis Smith, Vice Chairperson;  
Members: David Barnes, Harrell Blakeney, Jenkins Bryant, Jeff Dolbare, James Hamilton, Sam Letson, Nathan Mathis, Horace Powell, Ben Richardson, Howard Sanderford, Roy Smith, Jimmy Warren, Frank ("Skippy") White.

### OIL AND GAS

Victor Gaston, Chairperson; Dewayne Freeman, Vice Chairperson; Members: James Buskey, Tom Butler, William Clark, Jeff Dolbare, G. J. Higginbotham, Tom Hogan, Ken Kvalheim, Mike Millican, Max Newman, Walter Penry, John Rogers, J. E. Turner, Frank ("Skippy") White.

### **PUBLIC WELFARE**

Jenkins Bryant, Chairperson; Demetrius Newton, Vice Chairperson; Members: Morris Anderson, June Bugg, Johnny Cagle, James Cullins, George Grayson, Jane Gullatt, Alvin Holmes, Mike Mikell, Albert Morton, Paul Parker, George Perdue, Phil Poole, Kerry Rich.

### **CONSTITUTION AND ELECTIONS**

Bobbie McDowell, Chairperson; James Campbell, Vice Chairperson; Members: Morris Anderson, Marcel Black, Bill Bowling, Mike Box, Johnny Curry, Steve Flowers, Steve McMillan, Charles Newton, Lois Rockhold, Curtis Smith, James Thomas, Jack Venable, Claud Walker.

### **COMMERCE, UTILITIES AND TRANSPORTATION**

Perry Hooper, Chairperson; Mike Box, Vice Chairperson; Members: Lucius Black, Ralph Burke, Johnny Cagle, Joe Ford, Victor Gaston, Jane Gullatt, Seth Hammett, Richard Lindsey, Tim Parker, George Perdue, John Rogers, Allen Sanderson, Mary Zoghby.

### **INDUSTRIAL DEVELOPMENT AND ECONOMIC GROWTH**

Tom Butler, Chairperson; Ken Kvalheim, Vice Chairperson; Members: Marcel Black, "Noopie" Cosby, Tom Drake, Bob Harvey, Jimmy Holley, Perry Hooper, Yvonne Kennedy, Bob McKee, Demetrius Newton, Frank Rogers, Allen Sanderson, Jack Venable, Nolan Williams.

### **TOURISM, ENTERTAINMENT AND SPORTS**

Joe Ford, Chairperson; Ed McClain, Vice Chairperson; Members: David Barnes, Bill Bowling, Ralph Burke, Dewayne Freeman, Albert Hall, Taylor Harper, Perry Hooper, Sam Letson, Nathan Mathis, Walter Penry, Tony Petelos, James Thomas, Nolan Williams.

### **LOCAL GOVERNMENT**

Jane Gullatt, Chairperson; Jimmy Warren, Vice Chairperson; Members: John Buskey, Joe Carothers, Sundra Escott-Russell, James Hamilton, G. J. Higginbotham, Mike Hill, Al Knight, Richard Laird, Sam Letson, Charles Newton, Ben Richardson, J. E. Turner, Gerald Willis.



**MILITARY AFFAIRS**

William Fuller, Chairperson; Pete Turnham, Vice Chairperson; Members: Jack Biddle, Harrell Blakeney, Bobby Crow, Victor Gaston, Joe Goodwin, Al Knight, Bob McKee, Mike Mikell, Arthur Payne, Howard Sanderford, Claud Walker, Gerald Willis, Replacement for House District #10 Seat (Madison County).

**HIGHWAY SAFETY**

Lewis Spratt, Chairperson; Kerry Rich, Vice Chairperson; Members: Jim Carns, Bobby Crow, Johnny Curry, Tom Drake, Richard Laird, Allen Layson, Albert Morton, Tim Parker, Ben Richardson, Frank Rogers, J. E. Turner, Claud Walker, Gerald Willis.

**SMALL BUSINESS**

Frank McDaniel, Chairperson; Sundra Escott-Russell, Vice Chairperson; Members: Harrell Blakeney, George Clay, Bobby Crow, Bob Harvey, Jimmy Holley, Allen Layson, Mike Mikell, Mike Millican, Arthur Payne, Phil Poole, Howard Sanderford, Roy Smith, Pete Turnham.

**LOCAL LEGISLATION NO. 1**

Bill Bowling, Chairperson; Sam Letson, Vice Chairperson; Members: Morris Anderson, Lucius Black, Steve Flowers, William Fuller, Seth Hammett, Clarence Haynes, Nathan Mathis, Bryant Melton, Johnny Morrow, Max Newman, Walter Penry, Nelson Starkey, Frank ("Skippy") White.

**LOCAL LEGISLATION NO. 2**

Tony Petelos, Chairperson; Lewis Spratt, Vice Chairperson; Members: David Barnes, Jack Biddle, Jim Carns, Johnny Curry, Sundra Escott-Russell, Mark Gaines, John Hawkins, Ed McClain, Bobbie McDowell, Albert Morton, Demetrius Newton, Arthur Payne, George Perdue, Frank Rogers, John Rogers, Allen Sanderson.

**LOCAL LEGISLATION NO. 3**

Mary Zoghby, Chairperson; William Clark, Vice Chairperson; Members: Mike Box, James Buskey, Victor Gaston, Taylor Harper, Yvonne Kennedy, Ken Kvalheim, Lois Rockhold, J. E. Turner.

**LOCAL LEGISLATION NO. 4**

Albert Hall, Chairperson; Dewayne Freeman, Vice Chairperson;  
Members: Tom Butler, George Grayson, Howard Sanderford,  
Replacement for House District #10 Seat (Madison County).

**LOCAL LEGISLATION NO. 5**

Chairperson and Vice Chairperson to be elected by the delegation.  
Members: John Buskey, Alvin Holmes, Perry Hooper, Bob McKee,  
Mike Mikell, Claud Walker.

**LOCAL LEGISLATION NO. 6**

Phil Poole, Chairperson; Bryant Melton, Vice Chairperson;  
Members: Johnny Cagle, Allen Layson, Tim Parker.

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Austin, dr. Walter Montgomery, jr., of Normal, death mourned ---  
HJR 16, pages 77, 100, Act no. 91-8

**RESOLUTION, CONGRATULATORY**

Air and army national guard and reservists, commended for participation  
in operation desert shield ---  
SJR 10, pages 12, 65, 80, 106, Act no. 91-21  
HJR 9, pages 41, 100, Act no. 91-6

Alford, mrs. Barbara, of Montgomery, commended for loyal service to  
the state ---  
SR 12, page 13

Federinko, dr. Richard Joseph, of Wadley, commended as Troy state  
university "alumnus of the year" in the field of education ---  
SR 11, page 13

Folmar, mayor Emory, commended as Montgomery citizen of the  
year ---  
SJR 24, pages 83, 103, 105, 107, Act no. 91-24  
SR 28, page 92

Gregerson, mr. Peter, sr., of Etowah county, commended for outstand-  
ing community service ---  
HJR 19, pages 76, 101, Act no. 91-11

Hope, mr. Robert M., of Mobile, commended for distinguished service  
to the Alabama state docks ---  
HJR 39, pages 91, 101, Act no. 91-17

Hurt, reverend Richard L., commended on the occasion of his retire-  
ment ---  
HJR 17, pages 76, 100, Act no. 91-9

Lawley, mrs. Amelia D., of Montgomery, commended for her distin-  
guished service as chief clerk to the senate ---  
SR 22, page 81

Lipscomb, senator Albert, of Magnolia Springs, commended on his fortieth birthday ---  
SR 19, page 46

Mann, mr. Royce, commended for distinguished and honorable service to the Marion county commission ---  
SR 30, page 96

McGill-Toolen high school freshman boys' cross country team, commended for their 1990 state championship ---  
SR 17, page 14

McGill-Toolen high school freshman girls' cross country team, commended on their 1990 state championship ---  
SR 16, page 14

McGill-Toolen high school varsity boys' cross country team, commended on their 1990 class 6A state championship ---  
SR 15, page 14

McGill-Toolen high school volleyball team, commended for winning the class 6A state championship for 1990 ---  
SR 14, page 14

Morrow, mr. Morgan, commended for distinguished and honorable service to the Marion county commission ---  
SR 31, page 96

Prater, mr. Jerry, of Phenix city, commended for outstanding service as fire chief ---  
HJR 20, pages 77, 101, Act no. 91-12

Quinn, mrs. Sara, of Etowah county, commended on her distinguished educational career ---  
HJR 21, pages 77, 101, Act no. 91-13

Smith, mrs. Pat, commended as executive director of the Etowah county clean and beautiful commission ---  
HJR 18, pages 76, 100, Act no. 91-10

## **RESOLUTION, DESIGNATION**

Donald S. Jefferies administration building at Southwest state technical college named ---  
SJR 29, pages 95, 103, 105, 106, Act no. 91-26

National county government week, designated April 7 through April 13, 1991 ---

HJR 38, pages 90, 101, Act no. 91-16

## **RESOLUTION, LEGISLATIVE**

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SJR 4, pages 7, 65

ADEM requested to delay issuance of permit to operate solid waste disposal site in Talladega county ---

SJR 27, pages 92, 103, 105, 106, Act no. 91-25

SR 26, page 91

HJR 35, pages 87, 102, Act no. 91-18

Attorney general, investigate and determine costs of legal services performed by state in last quadrennium ---

SJR 6, pages 8, 45, 64, 102, 104, 106, Act no. 91-22

Bill of rights national tour welcomed ---

HJR 40, pages 87, 102, Act no. 91-27

Boyd, lieutenant general Charles G., Colonel David Vogl, and Maxwell air force base officers club staff, appreciation expressed for courtesies extended for the dinner honoring lieutenant governor and mrs. James E. Folsom, jr. ---

SR 21, page 81

Committee appointed to notify governor and ascertain desire for joint session ---

SJR 13, pages 13, 65

Committee appointed to notify governor of session ---

SJR 1, page 6

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Democratic caucus, majority and minority political parties, existence recognized ---

SR 5, page 7

Elementary and secondary school funding, joint interim committee to study ---

HJR 36, page 88

Finances and budgets, interim committee created ---

SJR 9, pages 10, 66, 89, 92, 104, 106, 106



Intrastate commuter air service, joint interim study committee created ---  
 SJR 23, pages 82, 103, 105, 106, Act no. 91-23

Judicial commission on legislative compensation created ---  
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Legislature, joint rules of the two houses, adopted ---  
 HJR 13, pages 68, 101, Act no. 91-14

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Legislature, membership compensation altered ---  
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Maxwell air force base officers club staff, lieutenant general Charles G. Boyd, and Colonel David Vogl, appreciation expressed for courtesies extended for the dinner honoring lieutenant governor and mrs. James E. Folsom, jr. ---  
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 HJR 4, pages 17, 99, Act no. 91-2

Senate grievance and discipline committee created ---  
 SR 20, pages 64, 64

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Spill response task force continued ---  
 SJR 7, pages 8, 65, 80, 106, Act no. 91-19

U. S. S. Lexington aircraft carrier, acquisition by Alabama battleship commission endorsed ---  
 SJR 8, pages 9, 65, 80, 106, Act no. 91-20

Vogl, colonel David, lieutenant general Charles G. Boyd, and Maxwell air force base officers club staff, appreciation expressed for courtesies extended for the dinner honoring lieutenant governor and mrs. James E. Folsom, jr. ---  
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**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**REGULAR SESSION**  
**OF 1991**

**HELD IN THE CITY OF MONTGOMERY**  
**COMMENCING TUESDAY, APRIL 16, 1991**



**Vol. 1**

**WITH AN INDEX PREPARED BY THE**  
**SECRETARY OF THE SENATE**

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2. A listing of legislative days, with calendar dates and pages on which each day begins;
3. A topic index of general bills listed alphabetically by subject matter;
4. A topic index of local bills listed alphabetically by counties;
5. A topic index of resolutions;
6. A miscellaneous index, including all items not categorized as bills or resolutions;
7. A Senate resolution index listed alphabetically by sponsor;
8. A sponsor index, listing all Senate bills and resolutions alphabetically by author;
9. A Senate bill numerical index, with short titles;
10. A House bill numerical index, with short titles;
11. A Senate joint resolution, Senate resolution numerical index, with short titles;
12. House joint resolution numerical index, with short titles;
13. Act Index.

**JOURNAL  
OF THE  
SENATE  
OF THE  
STATE OF ALABAMA  
REGULAR SESSION  
OF 1991**

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**FIRST LEGISLATIVE DAY**

**TUESDAY, APRIL 16, 1991**

This being the second Tuesday in April, A.D., 1991, and the day fixed by law and the Constitution of the State of Alabama for the annual meeting of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery at 12 o'clock Noon, and was called to order by Lieutenant Governor James E. Folsom, Jr., President and Presiding Officer of the Senate.

McDowell Lee, Secretary, was present and acted as such according to law.

**PRAYER**

The Session was opened with prayer by the Reverend Paul Ganey, Associate Pastor, Heritage Baptist Church, Montgomery, Alabama.

**PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Alicia Date, Jefferson Davis High School, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senators Figures and Sanders for today.

**RESOLUTIONS**

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

**SJR 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.**

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators Ellis, Dixon, and Waggoner.

Senator deGraffenried then offered the following Senate Joint Resolution, to-wit:

**SJR 2. COMMITTEE TO NOTIFY GOVERNOR AND ASCERTAIN DESIRE FOR JOINT SESSION.**

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three



members of the Senate, to be named by the President and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED, That said Committee ascertain from His Excellency if he desires to address a joint session of the Legislature and, if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Senators Bedsole, Amari, and Lipscomb.

#### MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

**HJR 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the

House to be appointed by the Speaker, be appointed to notify the Governor of Alabama that the Legislature is now in session and is ready for the transaction of business.

And the Speaker of the House has appointed as members on the part of the House Reps. Sanderford, McKee, and Knight.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Resolution, HJR 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Senators Ellis, Dixon, and Waggoner.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

#### HJR 3. INVITATION FOR JOINT ADDRESS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on April 16, 1991, for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker of the House has appointed as members on part of the House Reps. Sanderford, Knight, and McKee.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Resolution, HJR 3, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Senators Bedsole, Amari, and Lipscomb.

### MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Thursday, April 18, 1991, at 10 o'clock A.M., which motion was adopted.

### RESOLUTIONS

Senator Corbett offered the following Senate Joint Resolution, to-wit:

**SJR 3. COMMENDING WENDELL KENNEL ELLIS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.**

WHEREAS, the Legislature of Alabama notes with highest commendation the attainment of Eagle Scout rank, Boy Scouts of America, by Wendell Kennell Ellis of Tuskegee, Alabama; and

WHEREAS, this coveted rank was earned through countless hours of hard work, diligence and great perseverance to complete the required community service projects and to fulfill the other stringent criteria for Eagle Scout status; and

WHEREAS, Wendell Kennell Ellis has indeed exemplified, through his years of participation in scouting, those admirable attributes of self-discipline and self-reliance, good citizenship, devotion to duty and concern for his fellowman; and

WHEREAS, Wendell Kennell Ellis, the 14 year-old son of Mr. and Mrs. Reuben Ellis, and a 9th grade student at Tuskegee Institute High School, is a member of Troop 170, Carver District, Boy Scouts of

America, and was recognized and received his Eagle Scout Badge during ceremonies on April 18, 1991, at Greenwood Missionary Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Eagle Scout Wendell Kennell Ellis of Tuskegee, Alabama, for whom a copy of this resolution shall be provided that he may know of our sincere praise and warm best wishes for every future success in life.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Corbett then offered the following Senate Joint Resolution, to-wit:

**SJR 4. COMMENDING JARED JEROME CLAY OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.**

WHEREAS, the Legislature of Alabama notes with highest commendation the attainment of Eagle Scout rank, Boy Scouts of America, by Jared Jerome Clay of Tuskegee, Alabama; and

WHEREAS, this coveted rank was earned through countless hours of hard work, diligence and great perseverance to complete the required community service projects and to fulfill the other stringent criteria for Eagle Scout status; and

WHEREAS, Jared Jerome Clay has indeed exemplified, through his years of participation in scouting, those admirable attributes of self-discipline and self-reliance, good citizenship, devotion to duty and concern for his fellowman; and

WHEREAS, Jared Jerome Clay, the 14 year-old son of Representative and Mrs. George Clay, and a 9th grade student at Saint James School, is a member of Troop 170, Carver District, Boy Scouts of America, and was recognized and received his Eagle Scout Badge during ceremonies on April 18, 1991, at Greenwood Missionary Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Eagle Scout

Jared Jerome Clay of Tuskegee, Alabama, for whom a copy of this resolution shall be provided that he may know of our sincere praise and warm best wishes for every future success in life.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Corbett then offered the following Senate Joint Resolution, to-wit:

**SJR 5. COMMENDING KIRK BRACE JONES OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.**

WHEREAS, the Legislature of Alabama notes with highest commendation the attainment of Eagle Scout rank, Boy Scouts of America, by Kirk Brace Jones of Tuskegee, Alabama; and

WHEREAS, this coveted rank was earned through countless hours of hard work, diligence and great perseverance to complete the required community service projects and to fulfill the other stringent criteria for Eagle Scout status; and

WHEREAS, Kirk Brace Jones has indeed exemplified, through his years of participation in scouting, those admirable attributes of self-discipline and self-reliance, good citizenship, devotion to duty and concern for his fellowman; and

WHEREAS, Kirk Brace Jones, the 14 year-old son of Mrs. June Jones, and an 8th grade student at Saint Joseph Catholic School, is a member of Troop 70, Carver District, Boy Scouts of America, and was recognized and received his Eagle Scout Badge during ceremonies on April 18, 1991, at Greenwood Missionary Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Eagle Scout Kirk Brace Jones of Tuskegee, Alabama, for whom a copy of this resolution shall be provided that he may know of our sincere praise and warm best wishes for every future success in life.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Windom offered the following Senate Joint Resolution, to-wit:

**SJR 6. RATIFYING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES DEFERRING CHANGES IN COMPENSATION TO MEMBERS OF THE UNITED STATES CONGRESS UNTIL AFTER THE NEXT ENSUING BIENNIAL ELECTION.**

WHEREAS, the Alabama Legislature notes that the citizens of our great Nation have long been attempting to pull in the reins of federal spending and have long desired the highest degree of integrity and accountability from elected officials; and

WHEREAS, on September 25, 1789, the First Congress of the United States, convened in New York, New York, submitted to the legislatures of the several states an amendment to the United States Constitution designed to restrict the power of the Congress to vary the salaries of its members; and

WHEREAS, the proposed amendment, was presented to us by the outstanding constitutional and fourth President of our Nation, James Madison; and

WHEREAS, believing that fiscal irresponsibility at the federal level poses one of the greatest threats which face our Nation, we firmly believe that constitutional restraint is vital to bring the fiscal discipline and the accountability of elected officials which is necessary to restore public confidence in the federal government; and

WHEREAS, this little-known and scarcely advertised 199-year-old proposal has received renewed attention, since it has been learned that it is still viable, and twenty-five states have ratified it, seventeen of them just since 1983; and

WHEREAS, the language of Article V of the Constitution of the United States provides that the Constitution may be amended by the adoption of a particular proposal by a two-thirds (2/3) vote in both houses of the Congress which must then be ratified by the legislatures of three-fourths (3/4) of the several states; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama hereby ratifies the proposed amendment to the Constitution of the United States that provides for a delay in changes in the

compensation of members of the United States Congress which reads as follows:

"Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

BE IT FURTHER RESOLVED, That duly authenticated copies of this resolution be forwarded by the Clerk of the House to the Archivist of the United States in Washington, D.C., to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Alabama Congressional Delegation with a request that it be printed in full in the Congressional Record.

Which was read and referred to the Standing Committee on Rules.

### INTRODUCTION OF BILLS

The following Bills, having been pre-filed with the Secretary of the Senate under the provisions of Joint Rule 10, were severally read one time, and previous referrals by the President and Presiding Officer to appropriate Standing Committees were confirmed, as follows:

By Senator Ellis:

**S. 1.** To amend Section 9-11-51, Code of Alabama 1975, which prohibits hunting without a license, so as to provide further for the penalty imposed on nonresidents who hunt without licenses.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Bailey:

**S. 2.** To further provide for certain unclaimed personal property; to amend Sections 35-11-170, 35-11-171 and 35-12-6, Code of Alabama 1975, as amended, relating to certain unclaimed personal articles, goods and clothing so as to include altered goods and apparel; and to provide for notice.

Committee on Small Business

By Senator Ellis (With Notice and Proof):

**S. 3.** Relating to Shelby County; to provide an additional county salary to the probate judge for the remainder of the current term

of office, which ends in January 1995, for loss of compensation as a result of being relieved of his duties as chairman of the Shelby County commission by a United States federal court order and relinquish use of automobile and expense account now receiving.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 3, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Langford:

**S. 4.** Providing further for cruelty to animals; amending Section 3-1-16, Code of Alabama 1975, prescribing penalties and the confiscation of animals.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Langford:

**S. 5.** Providing further for cruelty to animals; amending Section 13A-11-14, Code of Alabama 1975, prescribing penalties.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Ellis:

**S. 6.** To amend Section 13A-12-231, Code of Alabama 1975, which provides for the offense of trafficking in illegal drugs, so as to include amphetamine and methamphetamine within the offense.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Corbett:

**S. 7.** To amend Section 11-45-9.1, Code of Alabama 1975, which relates to the issuance of a summons and complaint by municipalities for violations of certain ordinances, so as to provide further for



such violations.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Ellis:

S. 8. To amend Section 31-2-13, Code of Alabama 1975, relating to military service benefits for military officers and employees, so as to extend the paid military leave days in certain circumstances.

Committee on Governmental  
Affairs/Local Government

By Senator Corbett:

S. 9. To amend section 40-6A-2, Code of Alabama 1975, relating to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this state, so as to add chief appraisers to the list of officials and to redefine "other persons charged with assessing and collecting" as "other officials whose primary duty is appraising, assessing and/or collecting"; to provide that the minimum salaries of chief appraisers be 85 percent of the tax assessor or revenue commissioner salary, in the county where the chief appraiser is employed; and to provide an effective date.

Committee on Governmental  
Affairs/Local Government

By Senator Corbett:

S. 10. Providing that certain personnel employed by the state Alcoholic Beverage Control Board shall be considered as active members of the state policeman's retirement system retroactive to their original dates of employment by such board for purposes of determining their state retirement benefits; providing that such personnel shall be eligible for such benefits to the same extent as other members under such system, and providing that the additional cost of such credited service shall be paid by the Alcoholic Beverage Control Board.

Committee on Finance  
and Taxation

By Senator Ellis:

S. 11. To amend Section 12-17-213, Code of Alabama 1975,

which section relates to minimum service time required to qualify for supernumerary district attorney status, so as to provide further for the said minimum service time requirements.

Committee on Finance  
and Taxation

By Senator Ellis:

**S. 12.** Providing that it shall be unlawful to discharge a firearm without certain permission within a certain distance of a school or occupied house, residence or dwelling and prescribing penalty for such offense.

Committee on Judiciary/Civil

By Senators Owens and Foshee:

**S. 13.** To make a supplemental appropriation from the State General Fund for the sum of seven hundred ninety-eight thousand dollars (\$798,000) to the Alabama Military Department for capital outlay for the fiscal year ending September 30, 1991, for the construction of armory facilities at Brewton and Selma.

Committee on Finance  
and Taxation

By Senator Bennett:

**S. 14.** To provide for a voluntary check-off designation on state income tax returns and franchise tax returns for the 1991 tax year and each year thereafter for support of the indigent offender alcohol and drug treatment trust fund, pursuant to the Mandatory Treatment Act of 1990.

Committee on Finance  
and Taxation

By Senator Bennett:

**S. 15.** To establish the Impaired Drivers Trust Fund in the state treasury from funds collected for certain traffic offenses; to provide that moneys in the fund shall be administered by the Division of Rehabilitation Services of the State Department of Education to be used to provide rehabilitative services to head injured and spinal cord injured

(neuro-trauma) residents of the state; and to provide for the appointment of an advisory board to establish priorities and criteria for disbursement of the moneys.

Committee on Finance  
and Taxation

By Senator Ellis:

S. 16. To further provide for the health, safety and welfare of human, fish and plant life as well as the environment and resources of this state; to prohibit the disposal or discharge of certain pollutants, contaminants and chemicals into any body of water or in the soil where the federal Environmental Protection Agency Standards are exceeded; to define terms and prescribe criminal felony penalties for violations; and to provide cumulative and prospective effect.

Committee on Commerce,  
Transportation, and Utilities

By Senator Ellis:

S. 17. To provide for the sale and distribution of beverages in certain certified returnable containers; to provide for the requirement of a deposit by dealers upon the sale of beverages in such containers and provides for the payment of a cash refund of the deposit by the dealer upon the return to him of an empty, certified returnable container of a type sold by him; to require that a beverage distributor shall receive from dealers and pay cash for all returned, empty, certified returnable containers sold by such distributor; and to provide for certain exceptions.

Committee on Commerce,  
Transportation, and Utilities

By Senator Bennett:

S. 18. To provide a means whereby any insurer organized under the laws of any other state may become a domestic insurer; to provide a means for any domestic insurer to transfer its domicile to another state; and to provide a means for the continuation of a certificate of authority and other approvals pertaining to any foreign insurer which transfers its corporate domicile to another state by merger or consolidation or any other lawful method.

Committee on Banking  
and Insurance

By Senator Bennett:

**S. 19.** To provide for a community corrections plan and procedure as an alternative to incarceration for eligible offenders who have been convicted of a nonviolent felony offense; to provide for local community corrections advisory boards in the judicial circuits and counties to adopt a local community corrections plan and qualify for receipt of grants and funding; to provide for the establishment of such alternative plans and programs by resolution of county commissions whereby state funds may be granted to and contracted with or through local governments and qualified nonprofit, human service agencies and entities to provide planning, treatment, guidance, training or other rehabilitation services and programs; to provide for cooperation with the department of corrections; and to provide for discretion of the trial judge in sentencing and revocation of sentencing to such alternative corrections programs.

Committee on Judiciary/Civil

By Senator Denton:

**S. 20.** To amend Sections 13A-6-66 and 13A-6-67, Code of Alabama 1975, which relate to the crimes of sexual abuse in the first and second degrees, so as to increase the punishment for both crimes.

Committee on Judiciary/Civil

By Senator Denton:

**S. 21.** Proposing an amendment to the Constitution of Alabama of 1901, authorizing the tax assessors, tax collectors, revenue commissioners, license commissioners and other ad valorem tax officials in the various counties of this state to elect to participate in the state employees' retirement system or the county retirement system, if available; providing for an election between the state employees' retirement system and a county retirement system; prohibiting future officials taking office for the first time after the effective date of this amendment from participating in the supernumerary program provided by Title 40, Chapter 6, Code of Alabama 1975; and providing that such officials presently participating in the supernumerary program may continue therein.

Committee on Governmental  
Affairs/Local Government

The above Bill was read a first time at length as required by the Constitution.

By Senator Denton:

**S. 22.** To amend Sections 40-6-1, 40-6-3, and 40-6-4, Code of Alabama 1975, as amended, relating to the qualifications, compensation, and benefits of supernumerary tax assessors, tax collectors, revenue commissioners, license commissioners or other elected or appointed officials charged with the assessment and/or collection of ad valorem taxes, so as to establish the minimum age of qualification; to provide for an increase in compensation; to provide further for the method of determining such compensation; to provide for future increases in such compensation; to provide for an increase in compensation of surviving spouses of such officials and for future increases in such compensation; to exempt the compensation of such officials and their surviving spouses from state income tax after 1991; and to repeal Sections 40-6-5, 40-6-7 and 40-6-8, which relate to election to participate in the tax collectors and tax assessors supernumerary program.

Committee on Governmental  
Affairs/Local Government

By Senator Langford:

**S. 23.** To amend Section 41-16-24 of the Code of Alabama 1975, relating to bids on public contracts, so as to provide for trade-in value to be credited against cost of certain replacement property.

Committee on Governmental  
Affairs/State Administration

By Senator Langford:

**S. 24.** To amend Section 41-4-113 of the Code of Alabama 1975, relating to the department of finance's procedures for obtaining supplies or materials for state departments, so as to provide further for such procedures.

Committee on Governmental  
Affairs/State Administration

By Senator Bailey:

**S. 25.** To establish preschool special education services for certain children with disabilities in accordance with the Individuals with

**Disabilities Education Act.**

Committee on Finance  
and Taxation

By Senators Parsons, Corbett, Wilson, and Ghee:

**S. 26.** To provide further for the acceptable levels of dioxin in the waters of Alabama.

Committee on Commerce,  
Transportation, and Utilities

By Senator Bedsole:

**S. 27.** To amend Section 33-4-38, Code of Alabama 1975, which provides for the levy, payment and disposition of ship pilot's license tax, so as to increase the amount thereof.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Bedsole:

**S. 28.** To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care institutions so as to include hospices and to provide further for the advisory board.

Committee on Health

By Senator Bennett:

**S. 29.** To establish the Alabama legislative compensation commission, its membership, expenses, powers and duties; and to provide that the commission's recommendations to the legislature for expense allowance shall be introduced by the fifth legislative day of the last regular session of the quadrennium.

Committee on Finance  
and Taxation

By Senator Parsons:

**S. 30.** To provide for financial liability due to negligence or any tort that results in civil liability in privately owned and operated

prisons.

Committee on Judiciary/Civil

By Senator Parsons:

**S. 31.** To define certain terms; to provide for the imposition of civil liability without fault upon a performer who incites a spectator to cause injury or death to another person; to provide also for the imposition of civil liability on the promoter for said injury or death; and to establish a cause of action and for the recovery of damages.

Committee on Judiciary/Civil

By Senator Parsons:

**S. 32.** Relating to salary deductions, dues and contributions for certain qualified state employee groups whose individual members work within prisons, penitentiary institutions, jails or other correction facilities or in the parole or probation systems; and to provide for the responsibilities of the state comptroller.

Committee on Finance  
and Taxation

By Senator Parsons:

**S. 33.** Relating to motor vehicles; requiring as a condition of registration that every person applying for the registration or licensing of a motor vehicle or applying for a driver's license shall secure and pay the premium on a motor vehicle liability insurance policy issued by an insurance company authorized to transact business within the state of Alabama, or otherwise establish financial responsibility, and to facilitate the procuring of such insurance to provide for an assigned risk plan among insurance companies for the equitable apportionment among such companies of undesirable risks.

Committee on Banking  
and Insurance

By Senator Bedsole:

**S. 34.** To amend Section 6-5-332.1, Code of Alabama 1975, relating to immunity from liability for certain persons assisting to mitigate the effects of the discharge of hazardous materials, so as to provide

further for such immunity.

Committee on Judiciary/Civil

By Senator Ellis:

**S. 35.** Proposing an amendment to Section 46 of the Constitution of 1901, relating to the elections and terms of office for state senators and members of the state house of representatives, so as to limit such legislative service.

Committee on Constitution  
and Elections

The above Bill was read a first time at length as required by the Constitution.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Bennett (With Notice and Proof):

**S. 36.** To reopen the General Retirement System for the Employees of Jefferson County, Alabama, established by Act No. 497, H. 1057 of the 1965 Regular Session of the Legislature (Acts 1965, p. 717) for the purchase of certain military service credit and to provide that as a prerequisite to attaining such credit, said members must be active and contributing members of said retirement system.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 36, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Windom:

**S. 37.** Relating to the administration of fiduciary accounts by duly authorized banks and trust companies by requiring timely investment of idle funds, by setting a quality standard, requiring a rea-



sonable rate of return, providing for compensation and providing for the application of this act to fiduciary accounts now existing or hereafter created.

Committee on Banking  
and Insurance

By Senator Windom:

**S. 38.** Relating to motor vehicles so as to provide that a transaction does not create a sale or security interest merely because the transaction provides that the rental price may be adjusted by reference to the amount realized upon sale or other disposition of the motor vehicle; to provide for severability of the provisions of this act; to provide for repeal of conflicting laws; and to provide for an effective date.

Committee on Judiciary/Civil

By Senators Windom, Bedsole, Denton, Dixon, Hale, Waggoner, Ellis, Bailey, Wilson, Lindsey, and Lipscomb:

**S. 39.** To provide for immunity for certain persons responding to certain oil spills.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Denton:

**S. 40.** To authorize municipalities and counties to provide assistance to the governing body of any other municipality or county when such municipality or county has been declared a disaster area by the Governor of the State of Alabama or by the President of the United States, and provides a procedure by which such assistance may be implemented.

Committee on Governmental  
Affairs/Local Government

By Senators Parsons, Bennett, Waggoner, Hilliard, Amari, and Horn:

**S. 41.** To propose an amendment to the Constitution of 1901, for Jefferson County, pursuant to Amendment No. 425 of the Constitution providing further for license taxes on certain real estate operations and transactions; and to provide for implementation.

Committee on Constitution  
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Windom:

**S. 42.** Relating to the judicial retirement system; authorizing certain circuit judges to purchase credit for service as assistant district attorney; providing for the terms and manner of such purchase.

Committee on Finance  
and Taxation

By Senators Corbett and Windom:

**S. 43.** To amend section 5-13A-3, Code of Alabama 1975, relating to the acquisition of an Alabama bank holding company or an Alabama bank by a regional bank holding company, so as to provide further for any such acquisition.

Committee on Banking  
and Insurance

By Senator Corbett:

**S. 44.** To provide for the hunting of game and unprotected wildlife with a cross bow upon certification by a physician that a person is handicapped.

Committee on Agriculture,  
Conservation, and Forestry

By Senators Bennett, Denton, Ghee, Langford, Waggoner, Amari, Dixon, Bedsole, Hale, Bailey, Parsons, and Foshee:

**S. 45.** Providing for a certain supplemental appropriation from the general fund to the office of the Director of Voter Registration for the 1990-91 fiscal year to be used for general operations of said office.

Committee on Finance  
and Taxation

By Senator Smith (J):

**S. 46.** To provide a salary increase by the state for the official court reporters who are not covered by the state merit system, to provide an effective date and to limit cost-of-living increases for court reporters who are affected by this act.

Committee on Judiciary/Civil

By Senators Bolling, Ghee, Hale, Dixon, Owens, Amari, Bailey, Waggoner, Bedsole, Dial, Smith (J), Denton, Campbell, Mitchell, Little, Ellis, deGraffenried, Floyd, Preuitt, and Smith (B):

**S. 47.** To amend Sections 27-26-5 and 34-24-56, Code of Alabama 1975, relating to the reporting of medical malpractice judgments and settlements, so as to provide further for the reporting of judgments and settlements entered against professional corporations.

Committee on Health

By Senator Mitchell:

**S. 48.** To amend Section 34-3-2.1, Code of Alabama 1975, relating to the graduates of certain law schools being authorized to take the bar exam, so as to provide further for such graduates and those teaching at such law schools.

Committee on Judiciary/Civil

By Senator Smith (B):

**S. 49.** To provide for mandatory errors and omissions insurance coverage for all active real estate brokers and salesmen; it authorizes the real estate commission to contract for such coverage in compliance with state competitive bid laws; it allows optional coverage by any insurance carrier which meets minimum standards; it provides that no such coverage shall be required when it is not available at a reasonable premium; and it authorizes the commission to promulgate necessary rules and regulations.

Committee on Banking  
and Insurance

By Senator Bedsole:

**S. 50.** To reopen the Employees' Retirement Systems of Alabama in order to allow certain active and contributing members previously employed by the Mobile Police Department to claim and purchase credit for prior service; to provide manner of claiming creditable service; and to provide for its termination.

Committee on Governmental  
Affairs/Local Government

By Senator Preuitt:

**S. 51.** Relating to the Alabama Institute for Deaf and Blind; to provide that the sale or disposal of tangible personal property or standing timber shall be let by competitive public auction or sealed bids; to provide for notice and inspection; to provide for re-advertisement and sale or a negotiated sale in the event bids were inadequate; to provide for the disposition of the proceeds and the continuous appropriation of same; to provide for civil and criminal penalties; and to provide for retroactive effect and validation.

Committee on Finance  
and Taxation

By Senator Preuitt:

**S. 52.** To amend Section 21-1-2 of the Code of Alabama 1975, relating to the Alabama Institute for Deaf and Blind so as to provide that no member of the board of trustees shall receive compensation for serving; and to provide that said board of trustee members shall receive reimbursement for reasonable expenses incurred in attending meetings and performing duties.

Committee on Finance  
and Taxation

By Senators Mitchell and Dixon:

**S. 53.** To reopen the Employees' Retirement System of Alabama to permit contributing state employees who worked for the Alabama State Council on the Arts to purchase retirement credit for their years of service.

Committee on Finance  
and Taxation

By Senators Mitchell, Little, and Foshee:

**S. 54.** To amend Section 40-18-19, Code of Alabama 1975, relating to state income tax exemptions, so as to provide further for such exemptions.

Committee on Finance  
and Taxation

By Senators Bedsole, Little, Mitchem, Hale, Bolling, Dial, Bailey, Denton, Preuitt, Barron, Dixon, and Smith (B):

**S. 55.** Relating to immunity from civil liability while in volunteer service without compensation for a nonprofit organization or corporation or governmental entity; to provide that any public or community service volunteer without compensation shall be immune from civil liability in any civil action on the basis of any act or omission of such volunteer resulting in damage or injury if said volunteer was acting in good faith within the scope of his official functions and such damage or injury was not caused by willful and wanton misconduct; to provide that the responsibility of an established act or omission of a volunteer shall be the responsibility of the principal organization under the doctrine of "respondeat superior"; and to provide for certain exceptions in the event of a motor vehicle accident where the volunteer is negligent and is covered by insurance.

Committee on Public Welfare

By Senators Dial, Mitchem, Bailey, and Owens:

**S. 56.** Providing certain educational assistance benefits for certain active members of the Alabama national guard.

Committee on Finance  
and Taxation

By Senator Preuitt:

**S. 57.** To amend Section 40-17-220, Code of Alabama 1975, to provide that purchases of gasoline, motor fuel and lubricating oil by the Alabama Institute for Deaf and Blind and by the department of youth services school district shall be exempt from taxation under the levy provided for in said section.

Committee on Finance  
and Taxation

By Senator Bedsole:

**S. 58.** To create the Respiratory Care Act and to provide for definitions, qualifications, examination, and licensing of persons administering respiratory care and for waivers from examination and licensing; to provide for the powers, duties and responsibilities of the Alabama State Board of Respiratory Care; to provide for the

appointment, term, qualification and meetings of the board; to create a special fund for receipts collected by the board; to provide for the administration of said fund; to make appropriations from the Alabama State Board of Respiratory Care Fund to the Alabama State Board of Respiratory Care; to provide for issuance and renewal of licenses and temporary licenses; to provide for prohibited acts and penalties; to provide for fees; to provide for causes and procedures for disciplinary action; to prohibit false representation of licensure; to provide criminal penalties for certain violations; to provide for exemptions; and to provide for related matters.

Committee on Health

By Senator Barron (With Notice and Proof):

**S. 59.** Relating to DeKalb County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes and the issuance of certain licenses under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official and providing for a referendum.

Committee on Local  
Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, SB 59, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Smith (J) (With Notice and Proof):

**S. 60.** Relating to Limestone County and the regulation and operation of privately-owned or controlled regional landfills for solid waste so as to further provide for such solid waste landfill operation and location within the county; providing that any such regulation and restriction shall be cumulative to any other provisions of law, rule or regulation on solid waste; and requiring the Limestone County Commission to call for a referendum election on the question of location or acceptance of any privately-owned or controlled regional landfill within the county prior to such operation, location or acceptance; and providing severability and effective date.

Committee on Local  
Legislation No. 1

**REGULAR SESSION**  
**1st Day**

27

I hereby certify that the notice and proof is attached to the Bill, SB 60, as required in the General Acts of Alabama, 1975, Act No. 919.

**McDOWELL LEE,**  
Secretary.

By Senator Barron (With Notice and Proof):

**S. 61.** Relating to DeKalb County; imposing an additional delinquent payment penalty for late payment of the county portion of ad valorem taxes and providing that the proceeds from such additional penalty shall be deposited to the credit of the DeKalb County Rural Water Authority.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 61, as required in the General Acts of Alabama, 1975, Act No. 919.

**McDOWELL LEE,**  
Secretary.

By Senators Amari and Parsons (With Notice and Proof):

**S. 62.** Relating to the City of Birmingham in Jefferson County; to amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended, which act created a retirement and relief system for officers and employees of the City of Birmingham, so as to provide further for participant and city contributions, for benefit increases, cost-of-living increases and related matters.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 62, as required in the General Acts of Alabama, 1975, Act No. 919.

**McDOWELL LEE,**  
Secretary.

By Senator Hilliard:

**S. 63.** To amend Sections 28-3A-12, 28-3A-19, 28-3A-20, and 28-3A-25, Code of Alabama 1975, relating to the sale of alcoholic

beverages, so as to delete the prohibition of Sunday sales.

Committee on Economic Affairs

By Senators deGraffenried and Waggoner:

**S. 64.** To amend sections 22-52-2, 22-52-3, 22-52-4, 22-52-6, 22-52-7, 22-52-8, 22-52-9, 22-52-11, 22-52-12, 22-52-13, and 22-52-15, Code of Alabama 1975, relating to mental health and mental retardation, so as to provide further for the involuntary commitment, discharge and transfer of persons in state institutions; to prescribe definitions; to provide for new commitment criteria for persons whom petitions for involuntary commitment have been filed and to grant the department the authority to designate mental health facilities to receive persons for evaluations, admissions, detention, treatment and discharge; to allow designated mental health facilities to contract with public or private mental health facilities, subject to approval by the department, for care and treatment of committed persons; to allow the probate court the alternative to commit a respondent to outpatient treatment; to create standards that the probate court must follow in ordering outpatient treatment and to set a time limit on the outpatient treatment order; to create criteria for inpatient treatment, to set time limits on the order for inpatient commitment, and to provide a mechanism whereby an inpatient commitment order may be extended; to provide for the appointment of special probate judges to consider, hear and enter appropriate orders with regard to the renewal of commitment orders; to allow the transfer of a respondent committed to inpatient treatment to another treatment facility; to grant all persons acting in good faith in connection with the evaluation, examination, certification, testing, admission, detention, treatment or discharge of any respondent, freedom from all civil liability by reason of such action; to specifically repeal sections 22-52-1 and 22-52-10 of the Code of Alabama 1975; and to provide for an effective date.

Committee on Judiciary/Civil

By Senator Bedsole:

**S. 65.** To amend Section 41-9-63, Code of Alabama 1975, relating to claims presented to the board of adjustment, so as to allow the board of adjustment to adopt its own procedures as to the methods of presenting said claims to the board in the event the claimant is unable to appear at the board; and to provide that the state shall not be required to provide transportation for anyone to appear before the board.

Committee on Governmental  
Affairs/State Administration



By Senator Owens:

**S. 66.** To amend Section 15-19-1, Code of Alabama 1975, relating to arraignment as youthful offender status, so as to provide further for said arraignment.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Owens:

**S. 67.** To amend Section 36-26-35, Code of Alabama 1975, which provides for the maximum amount of annual leave that may be accrued by state employees, so as to provide further for the leave accrued by law enforcement officers in the department of public safety.

Committee on Governmental  
Affairs/State Administration

By Senator Amari:

**S. 68.** To amend section 36-21-4.1, Code of Alabama 1975, relating to pay or compensatory leave for overtime for non-elected county law enforcement officers, so as to extend the same benefits to municipal law enforcement officers.

Committee on Governmental  
Affairs/Local Government

By Senator Owens:

**S. 69.** To provide safety for all persons using the highways of this state by quickly suspending the driving privilege of those persons who have shown themselves to be safety hazards by driving with an excessive concentration of alcohol in their bodies; to guard against the potential for any erroneous deprivation of the driving privilege by providing an opportunity for administrative review, if requested, prior to the effective date of the suspension, and an opportunity for a hearing, if requested, as quickly as possible after the suspension becomes effective.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Dial:

**S. 70.** Relating to persons who are required to register with

the U.S. Selective Service System, so as to provide that such persons may not enroll in institutions of higher learning nor be offered employment or advancement or promotion by the State of Alabama unless such persons offer proof that they have so registered, and to authorize the State Personnel Board and the institutions of higher learning to promulgate necessary rules and regulations.

Committee on Governmental  
Affairs/State Administration

By Senators Dial and Bedsole:

**S. 71.** To provide for the "Alabama Safety Belt Use Act"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

Committee on Industrial  
Development and Expansion

By Senator Langford:

**S. 72.** To provide that the governor of Alabama or his designee shall be empowered to allow the transfer of foreign nationals imprisoned in this state to the country of their citizenship subject to the terms of a valid treaty between the United States and that country.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Owens:

**S. 73.** To amend Section 17-4-153 of the Code of Alabama 1975, which relates to compensation paid members of boards of registrars, so as to alter the amount paid as a mileage allowance and to provide for reimbursement for registration expenses incurred in attending continuing education programs.

Committee on Governmental  
Affairs/Local Government

By Senator Owens:

**S. 74.** To amend Section 32-5A-191 and Section 32-5A-194,

Code of Alabama 1975, to change 0.10 percent or more by weight of alcohol to 0.08 percent or more by weight of alcohol to be under the influence of alcohol while driving or in actual physical control of any vehicle.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senators Smith (J) and Mitchell:

**S. 75.** To amend Sections 32-6-250 and 32-6-251, Code of Alabama 1975, which provide distinctive license plates for Medal of Honor Recipients and Prisoners of War, so as to include recipients of the Purple Heart Medal.

Committee on Governmental  
Affairs/State Administration

By Senators Smith (J), Parsons, and Foshee:

**S. 76.** To amend Section 36-21-2, Code of Alabama 1975, which provides for subsistence allowances for certain law enforcement officers, so as to provide a subsistence allowance for any law officer of the State of Alabama who is employed by the Department of Corrections.

Committee on Judiciary/Civil

By Senator Ellis:

**S. 77.** To provide a comprehensive system of law applicable to all counties in this state defining the powers of any such counties to construct improvements or reimprovements consisting of streets or any portions thereof, sanitary sewers and sewer systems and water and gas mains and service connections, drainage improvements or drainage systems and the filling in of swamps or inundated or overflowed or submerged lands, ornamental lighting systems or white way systems of lighting and the construction, acquisition, improvement and extension of seawalls, dikes, levees and embankments in such counties; to provide a method for the assessment of the cost of any such improvement against the property abutting on, or drained, served, or benefited by such improvement; to require the adoption of a resolution describing the improvement and the property abutting on, or the area to be drained, served or benefited by such improvement; to require the filing of plans and specifications for such improvement; to provide for publication and mailing of notice of the adoption of the said resolution; to provide for a

public hearing on such improvement; to provide for payment of the cost of the improvement; to provide for the establishment of the grade of certain streets, avenues, alleys or sidewalks to be improved; to provide for public advertisement for bids for the construction of the improvement unless the county shall perform the work or provide materials from its own resources; to provide that the county commission must accept or reject work on the part of the county; to provide for supervision of the work; to provide for the levy of assessments on the property abutting on or drained, served or benefited by any improvement; to provide for the assessment against lands purchased by the state; to provide the manner of assessments generally; to provide for improvements of intersections of streets, avenues or other highways; to provide for sidewalk improvements; to provide for the preparation of a list of owners and parcels to be assessed, and publication of notice of such list; to provide for the entry of the list in an assessment book for local improvements; to provide for the delivery of the assessment book to the county clerk and the publication of notice as to delivery and inspection of such book; to provide for notice of hearing of objections; to provide for the contents of the notice as to the hearing on assessments for improvements; to provide for any defects or errors therein; to provide for the filing of written objections to assessments by property owners; to provide for a hearing on the proposed assessments and making the same final; to provide for the powers of the commission as to the subpoena of witnesses; to provide for the establishment of a lien on the property subject to the assessments and for the priority thereof; to provide for the reduction or abatement of certain assessments; to provide for procedures with respect to erroneous assessments and assessments in excess of benefits derived; to authorize the transfer and assignment of such liens, and for the enforcement thereof; to specify other provisions with respect to such liens; to provide for the effect of enforcement of tax liens upon property subject to assessment liens and the duration of assessment liens; to provide for the effect of sale of property for enforcement of an assessment lien upon other assessment liens upon the same property; to provide a system for appeals from the making of such final assessment; to provide for bond on appeal; to provide for entry on trial docket of appeal; to provide for the transcript for appeal; to provide for prima facie evidence on appeal; to provide for the conduct of appeal, right of jury trial and the entry of judgment and assessment of costs generally; to provide for the entry of judgment for amounts properly chargeable against lands where the assessment is defective; to provide for appeals from the judgment of the circuit court; to provide for the addition of interest and damages upon affirmance of judgment for the county; to provide that the county may appeal from any judgments of the circuit court without giving bond; to provide for the issuance of execution and order of sale upon entry of final judgment in favor of the county; to provide a system for payment of

all such assessments and for default in such payments; to provide for proceedings for sale of land upon failure of owner to pay assessment; to provide for the payment of assessments prior to sale; to provide that the costs of notice and sale are to be charged against the land; to provide for the execution of a deed to the purchaser at such sale; to provide for the effect of error and defect of notice of sale; to provide for the redemption of property after sale generally; to provide for the extension of the redemption period; to provide for the application for filing of certificate of warning to redeem upon the record of local improvement assessment sale deed; to provide for the mailing of copies of deed and certificate to persons last assessed upon property described in deed by probate judge; to provide for the redemption of property during extended redemption period; to provide for the performance of duties of the probate judge; to provide for the redemption of property; to provide for the making of temporary loans or issuance of bonds before or during progress of work to pay for cost of improvement; to provide for the issuance of bonds after completion of work; to provide for the applicability of provisions of law as to issuance of county bonds generally; to provide for the issuance of bonds generally; to provide for the maturity and payments of such bonds; to provide for the disposition of proceeds from the sale of bonds; to provide for the grouping of improvements for the issuance of bonds; to provide for the maintenance and disposition of sinking fund accounts for bond issues; to provide for the bond of the officer charged with the collection of assessments; to provide for the redemption of bonds; to provide for the refunding of excess assessments; to provide a limitation period for presentation of claims and disposition of amounts not refunded; to provide for the settlement, adjustment or refunding of bonds; to provide for the consolidation of separate outstanding issues or issuance of refunding bonds; to provide for the maintenance and disposition of sinking fund accounts for refunding bond issues; to grant to any county the right of eminent domain with respect to improvements; to provide that this act shall not affect the powers of counties to compel property owners to repair sidewalks; to provide for apportionment of assessments against property for public improvements among joint owners thereof; to provide for a petition of a tenant in common for division of an assessment among joint owners of property; to provide for a division of assessment among the tenants in common; to provide for a notice to property owners of division of assessment; to provide for appeals from division of assessment; to provide for correction of description of ownership of property and reduction of an assessment; to provide for the effect of reduction upon an assessment lien; to provide for the effect of annexation and incorporation of an area in which assessments have been made; to amend section 11-28-3, Code of Alabama 1975, as amended, relating to the issuance of warrants by counties so as to provide for the pledge of assessments for the benefit of such warrants; to

provide for severability of the provisions of this act; and to establish the effective date of this act.

Committee on Governmental  
Affairs/Local Government

By Senators Windom and Bedsole:

**S. 78.** Relating to motor vehicle insurance policies issued in Alabama to provide for mandatory premium reductions for the liability, personal injury protection and collision coverages for certain age groups under certain conditions.

Committee on Banking  
and Insurance

By Senators Smith (J), Bolling, Ghee, Hale, and Mitchell:

**S. 79.** To establish the requirements for informed consent for HIV testing; to provide that informed consent shall be implied under certain stated factual circumstances; to provide for counseling, referral to appropriate health care services, and explanation of individual responsibility shall be provided to any individual testing positive for HIV; and to provide for the confidentiality of HIV test results.

Committee on Health

By Senator deGraffenried:

**S. 80.** To be known as the Alabama alcoholic beverage control code; to regulate and control transactions in alcoholic beverages which take place in Alabama by alcoholic beverage control board; to provide for an alcoholic beverage control board; to regulate and control transactions in alcoholic beverages which take place in Alabama and to prohibit such transactions except by and under the control of the board; to restrict the effect of the Code to wet counties and wet municipalities; to provide for the administration, functions, powers and regulations of, and for receipt, disposition and use of profits of the board; to provide for the appointment, term of office, suspension, removal, compensation, costs and expenses of such board and its members, officers, agents and employees, and its administrator; to provide for the management and operation of and sales by state liquor stores; to provide for and fund an inventory fund for the board; to create a cost of evidence fund and provide for use thereof; to authorize licensing to engage in alcoholic beverage transactions, and provide for regulation for, and issuance and renew-

al of, and regulation of the grant of licenses; to impose and levy state, and authorize and limit county and municipal, filing and license fees for engaging in manufacture, import, warehousing, wholesale or retail sale of or transactions in alcoholic beverages; to proscribe unlawful acts and offenses and provide for punishment therefor; to prescribe penalties for any violation of the Code or any rule or regulation promulgated by the board and to provide punishment and alternate punishment therefor, including suspension or revocation of licenses and fines against licensees; to provide for non-taxable sales; to provide for refund on overpayment or erroneous payment on taxes and licenses to the board or any county or municipality; to provide penalties for failure to pay taxes collected and for execution for unpaid taxes and penalties; to provide for identification of certain alcoholic beverages and penalties for possession of unidentified alcoholic beverages and for the counterfeit or reuse of Alabama identification; to provide for licensee reports, records and inspections; to provide for confiscation of unidentified alcoholic beverages and vehicles used for transportation of unidentified alcoholic beverages and for the procedure for confiscation; to provide for an election to determine classification of county as wet or dry county; to provide for special method referendum to determine classification of county as wet or dry county and to impose conditions governing sales under special method; to provide for municipal option election to determine classification of municipalities as wet or dry municipalities; to provide for the separation of business interests and exclusive sales territories; to provide for regulation of advertising alcoholic beverages; to define terms and to establish a legal drinking age; to repeal Chapters 1, 2, 2A, 3A, 6 and 8, and Chapter 3 except sections 28-3-184, 28-3-190, 28-3-200 through 205, inclusive, 28-3-280, 28-3-281 and 28-3-284, and Chapter 7 except section 28-7-16, Title 28, Code of Alabama 1975, as amended, and all other conflicting or inconsistent laws or parts of laws, but shall not repeal or amend Title 28, Chapter 9, Code of Alabama 1975, as amended; to amend Title 28, Chapter 4, Code of Alabama 1975, to make the same consistent with the provisions of this Code; and to provide that the Code shall become effective on October 1, 1991.

Committee on Public Welfare

By Senator Foshee:

**S. 81.** To amend Sections 28-3-1 and 28-3-187.1, Code of Alabama 1975, relating to alcoholic beverages, so as to define the term "brandy" and to exempt brandy from certain labeling requirements.

Committee on Consumer Affairs

By Senators Hale and Barron:

**S. 82.** To amend Sections 8-20-4, 8-20-5, 8-20-7, 8-20-9 and 8-20-11, Code of Alabama 1975, which relate to the Motor Vehicle Franchise Act, so as to provide further for unfair and deceptive trade practices, terminations and nonrenewals of franchise relationships, the warranty obligations to dealers and the amount of civil damages.

Committee on Judiciary/Civil

By Senator Windom:

**S. 83.** To exempt all utilities boards organized under Title 11, Chapter 50, Article 9 of the Code of Alabama 1975, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance  
and Taxation

By Senator Mitchem:

**S. 84.** To provide that certain full-time employees and executive officers of the Alabama state special olympics, inc., may elect to become members of the teachers' retirement system of Alabama; to provide that the entity and its employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state, and to provide for purchase of certain previous service credit in such system retroactively.

Committee on Finance  
and Taxation

By Senator Bedsole:

**S. 85.** To amend Sections 32-6-270 and 32-6-272 of the Code of Alabama 1975, so as to further define the term "Fire Fighter" and provide for their distinctive motor vehicle license plates.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Windom:

**S. 86.** Relating to motor vehicles so as to provide that a transaction does not create a sale or security interest merely because the



transaction provides that the rental price may be adjusted by reference to the amount realized upon sale or other disposition of the motor vehicle; to provide for severability of the provisions of this act; to provide for repeal of conflicting laws; and to provide for an effective date.

Committee on Banking  
and Insurance

By Senator Owens:

S. 87. To authorize the department of revenue to promulgate through the provisions of the Alabama Administrative Procedures Act, rules and regulations relating to enforcement of statutes dealing with issuance of licenses as provided for by Chapter 12 of Title 40, Code of Alabama 1975.

Committee on Judiciary/Civil

By Senators Bailey, Hilliard, Langford, Owens, Dial, Hale, and Little:

S. 88. To provide for an optional system for disabled veterans to apply by mail for the purchase and renewal of motor vehicle tags or decals; to provide for notice, application and manner of such notice and purchase; to provide for the collecting and disposition for additional fees and made in pari materia with Sections 40-12-244 and 40-12-254, Code of Alabama 1975, relating to the exemption of privilege and license tax and registration fees on automobiles and motor vehicles owned by certain veterans and certain disabled veterans; and to provide for state and county implementation.

Committee on Small Business

By Senator Dial:

S. 89. To exempt any resident of the state who is a veteran from the payment of any state fees for the issuance or renewal of a driver's license.

Committee on Governmental  
Affairs/State Administration

By Senators Bailey and Dial:

S. 90. To extensively revise the current Child Labor Laws relating to employment and the safety, health and welfare of persons 17

years of age and younger in the workplace; to update the state statutes to conform to the Federal Child Labor Standards Act, as revised; to repeal conflicting laws and specifically Sections 25-8-1 through 25-8-31, Code of Alabama 1975, as amending the current Child Labor Laws; and to retain certain misdemeanor criminal penalties for violations.

Committee on Business and Labor  
Relations

By Senator Owens:

**S. 91.** To amend Sections 34-22-1, 34-22-2, 34-22-6, 34-22-20, 34-22-23 and 34-22-42, Code of Alabama 1975, all of which relate to the regulation of practice of optometry, so as to further define the practice of optometry; to extend the objects and purposes of the chapter; to further enumerate certain unlawful acts; to provide further for examination and qualification of applicants; to provide further grounds for revocation and suspension; to provide for additional powers and duties of board; and to provide further for the practice of optometry.

Committee on Health

By Senator Owens:

**S. 92.** To amend Sections 17-4-181 and 17-4-183 of the Code of Alabama 1975, which relate to purging of registration lists by the board of registrars, so as to alter the month the board shall meet to purge the lists and to alter the time the names of persons struck from the lists of registered voters shall be published.

Committee on Constitution  
and Elections

By Senator Owens:

**S. 93.** To amend Section 17-4-156, Code of Alabama 1975, as amended by Act No. 90-640, H. 614, 1990 Regular Session, relating to the session days for boards of registrars, so as to provide further for the sessions days or Blount, Chambers, Clarke, Cleburne, Crenshaw, Dallas, Lee, Limestone, Marion, Perry, Randolph, St. Clair, Wilcox and Winston Counties.

Committee on Governmental  
Affairs/Local Government

By Senator Windom:

**S. 94.** To amend Section 17-9-4, Code of Alabama 1975, which relates to the placement and provision of voting machines in voting places for elections; so as to allow the probate judge to provide for fewer voting machines, subject to the review of the circuit court, if petitioned.

Committee on Constitution  
and Elections

By Senators Windom and Smith (J):

**S. 95.** To further provide for school attendance standards and the operation of motor vehicles by certain students; to provide for certain exceptions; to provide that the state board of education and each local school system shall develop and distribute guidelines and information to affected parties; and to provide for the conditions to revoke or deny certain students the privilege of operating a motor vehicle; to provide a citation for the act which this bill becomes; and to provide an effective date.

Committee on Education

By Senators Bailey, Parsons, and Hale:

**S. 96.** To amend Sections 7-1-201, 8-25-1 and 8-25-3, Code of Alabama 1975, relating to rental-purchase agreements and the Alabama Uniform Commercial Code, so as to exclude such agreements from coverage of the Alabama Uniform Commercial Code provisions relating to security interests and to authorize certain practices by rental-purchase merchants.

Committee on Judiciary/Civil

By Senator Dial:

**S. 97.** To authorize the state department of human resources by and through its commissioner, to enter into interstate adoption assistance compacts to provide for medical and other necessary services for special needs children; to provide procedures for interstate adoption assistance payments, including medical payments; and to provide a penalty for the false or fraudulent submission of any claim for payment or reimbursement for services.

Committee on Public Welfare

By Senator Windom:

**S. 98.** To amend section 17-18-2, Code of Alabama 1975, relating to the day for holding special elections, so as to provide that special elections to be held during the 1991-1995 quadrennium shall be held on Saturday.

Committee on Constitution  
and Elections

By Senators Windom and Bedsole:

**S. 99.** Relating to certain harassing automated telephone use or solicitation; to prohibit the use of an automated system for the selection or dialing of telephone numbers and the playing of a recorded message when a connection is completed to a number called for the purpose of offering any goods, services or real estate for sale or lease when the same is not in response to calls initiated by the persons to whom the automatic calls or recorded messages are directed or if such automated telephone calls and messages are not in response to calls made concerning goods, services or real estate previously ordered, purchased or the subject of inquiry; to prohibit the use of an automated system for the replicated dialing of any telephone number resulting in the harassment of any person or persons at the number called; to provide that such unsolicited automated telephone calls shall be deemed a nuisance; to provide for disclosure of telephone company records to harassment victims and local law enforcement agencies and to provide the same may be used as evidence; and to provide for penalties for violations.

Committee on Commerce,  
Transportation, and Utilities

By Senator Windom:

**S. 100.** To amend Section 9-12-113 of the Code of Alabama 1975, relating to the licenses for use of nets and seines, so as to further regulate the issuance of said licenses.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Little:

**S. 101.** To amend Sections 9-13-196 and 9-13-197, Code of Alabama 1975, relating to failure to pay certain assessments on forest

lands, so as to provide further for the sale and redemption of said land and provide further for the retroactive repeal of local laws levying an acreage assessment.

Committee on Finance  
and Taxation

By Senators Parsons, Amari, and Waggoner (With Notice and Proof):

**S. 102.** Relating to Jefferson County; to further amend Act No. 248 of the Legislature of Alabama of 1945, as amended, which established a civil service system for county employees, so as to provide further for remedies for employees dismissed, demoted or suspended.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 102, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Mitchem, Dial, Little, Hale, deGraffenried, and Barron:

**S. 103.** To provide for an appropriation from the Alabama Special Educational Trust Fund to the Blount County Board of Education (J. B. Pennington High School) for the fiscal year ending September 30, 1992.

Committee on Finance  
and Taxation

By Senator Windom:

**S. 104.** To make an appropriation from the State General Fund to the Business Innovation Center for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to the release of any funds.

Committee on Small Business

By Senator Owens:

**S. 105.** To amend Sections 40-1-33, 40-12-390, 40-12-391,

40-12-392, 40-12-394, 40-12-396, 40-12-398 and 40-12-414, Code of Alabama 1975, relating to automotive vehicle dealers, so as to exclude certain license information from general confidentiality provisions, provide further for revocation and denial of licenses, define certain terms, provide further for requiring certain business licenses, increase the surety bonds, increase the penalty for noncompliance, authorize the revenue department to promulgate rules and regulations and to repeal Section 40-12-52, Code of Alabama 1975, which requires a privilege license for automobile salesmen.

Committee on Small Business

By Senator Foshee:

**S. 106.** Relating to group health insurance coverage; to provide for the Alabama Insurance Board to negotiate such insurance for all residents and their dependents of the State of Alabama who wish to acquire such insurance and to provide for the composition of said board and the powers of the board; to provide for the particulars of any insurance plan adopted by the board; to authorize the board to promulgate rules and regulations; to provide for dependent coverage; to provide for benefits of the plan; and to make an appropriation.

Committee on Governmental  
Affairs/State Administration

By Senator Foshee:

**S. 107.** To exempt certain rescue service organizations operating within the State of Alabama from all state, county and municipal sales and use taxes.

Committee on Finance  
and Taxation

By Senator Windom:

**S. 108.** To exempt the Mission of Hope in Mobile County, Alabama, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance  
and Taxation

By Senators Windom and Bedsole:

**S. 109.** To amend sections 13A-10-42 through 13A-10-44,

Code of Alabama 1975, relating to hindering prosecution or apprehension so as to define further criminal assistance and hindering prosecution in the first and second degrees.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senators Ghee, Mitchell, Dixon, Dial, Hilliard, Bolling, and Lipscomb:

**S. 110.** To amend Section 34-24-80 and Section 34-24-83, Code of Alabama 1975, relating to the evaluation by the State Board of Medical Examiners of Colleges of Medicine located outside of the United States and the District of Columbia, so as to provide further for such evaluation and the licensing of graduates of such schools.

Committee on Health

By Senators Mitchem and Barron:

**S. 111.** To provide for licensure and regulation of the home building industry; to provide for examination and issuance of licenses; to provide for the Home Builders Licensure Board; to provide for licensing fees and penalties for violations; to authorize said board to prescribe administrative rules and regulations; to provide for revocation of licenses; to prescribe appellate procedure for board decisions and to exempt certain persons and entities from this act.

Committee on Business and Labor  
Relations

By Senator Little:

**S. 112.** To amend Section 22-14-5, Code of Alabama 1975, which provides for the members of the radiation advisory board of health, so as to include a veterinarian on the board.

Committee on Health

By Senator Mitchem:

**S. 113.** To provide for participation of employees of regional and local legislative delegation offices in the state employees' retirement system.

Committee on Governmental  
Affairs/State Administration

By Senator Little:

**S. 114.** To allow certain members of the teachers' retirement system to purchase a limited maximum of prior service rendered to a specific defined educational institution in the state accredited by the Southern Association of Colleges and Schools and the state whose employees are not members of the teachers' retirement system.

Committee on Finance  
and Taxation

By Senator Little:

**S. 115.** To create an Alabama Clearinghouse for State Publications within the Alabama Public Library Service and provide for its operations, duties and authority; to authorize reasonable rules and regulations; to provide for the creation of state publications depositories; and to repeal section 41-6-12, Code of Alabama 1975, which requires the printing of 250 additional copies of state publications for use by the Department of Archives and History.

Committee on Consumer Affairs

By Senator Windom:

**S. 116.** To amend Section 40-17-220, Code of Alabama 1975, which levies a motor fuel tax and provides for certain exemptions, so as to exempt motor fuel sold to shrine temples from the levy of the tax.

Committee on Finance  
and Taxation

By Senator Little:

**S. 117.** To authorize municipalities to contract with utility companies to collect utility bill payments.

Committee on Governmental  
Affairs/Local Government

By Senator Windom:

**S. 118.** To further provide for the disposition of property or articles left for service; amending Section 35-12-6, Code of Alabama 1975, relating to such disposition, so as to include articles left in storage



and pleasure or recreational boats and vessels.

Committee on Judiciary/Civil

By Senator Horn (With Notice and Proof):

**S. 119.** Relating to the City of Birmingham in Jefferson County; to amend Act No. 929, 1951 Regular Session, as extensively amended by Act No. 1272, 1973 Regular Session, and other amendatory acts, relating to loans to participants and retirees of Class I municipalities which are covered by a pension and relief or retirement and relief system for municipal officers and employees, so as to provide that participant's or retiree's loans shall be repaid in a period of sixty (60) months or less from the date of such loan and to provide further for the interest charged on such loans.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 119, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Horn (With Notice and Proof):

**S. 120.** Relating to the City of Birmingham in Jefferson County, to further amend Act No. 929, 1951 Regular Session and as extensively amended by Act No. 1272, 1973 Regular Session which created a Retirement and Relief System for officers and employees of Class 1 Municipalities, so as to provide further for a member appointed by the city council and a retired member elected by the retired members in the system to serve as members of the board of managers of the City of Birmingham Retirement and Relief System; to provide further for a quorum of the board; to provide additional compensation for members of the board; and to provide further for the filing of reports and records which shall be public records subject to inspection.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 120, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hilliard:

**S. 121.** To repeal Section 13A-12-250, Code of Alabama 1975, which imposes additional penalties for the sale of controlled substances near schools.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senators Barron, Mitchem, Preuitt, Bedsole, Bolling, Smith (J), Owens, Bailey, Lipscomb, Hale, and Horn:

**S. 122.** Relating to implied warranties which apply to the sale of new residential real estate and the waiver of implied warranties; to provide the intent of the legislature regarding this act; to provide that a purchaser of new residential real property may agree implied warranties shall not apply to such transactions; to provide legally sufficient language to exclude such transactions from implied warranties; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; and to provide for the severability of this act.

Committee on Business and Labor  
Relations

By Senator Foshee:

**S. 123.** To amend Section 23-1-21, Code of Alabama 1975, to provide further for the salary of the highway director and assistant highway director.

Committee on Public Welfare

By Senators Hale, Dixon, Lipscomb, and Ellis:

**S. 124.** To authorize the board of pardons and paroles to appoint outside of the merit system former board members or retired probation and parole officers to serve as special hearing examiners from time to time; to define the powers and duties of special hearing examiners; to provide for reimbursement of certain expenses of special hearing examiners; and to provide immunity from civil actions for performance of duty as special hearing examiners.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senators Hale, Dixon, Lipscomb, and Ellis:

**S. 125.** To provide that the state administrator of the Interstate Compact for the Supervision of Parolees and Probationers shall have the authority to issue warrants for arrest of an out-of-state parolee or an out-of-state probationer when he has reason to believe that an offense or violation of parole or probation in an interstate compact case has been or is being committed; and to provide that he shall be available or on call on a 24-hour-a-day basis, seven days a week.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Foshee:

**S. 126.** Requiring the statewide administrative control, supervision and regulation including certain registration and licensing of the practice of barbering and styling, teaching of barbering, barbers, barber instructors, barber students, barber apprentices, barbershops, and barber schools; creating a state barber and stylist board for such purpose; prescribing the powers and duties of said board; abolishing all local county barber boards or commissions; providing penalties for violations; repealing or superseding all laws, whether general, general of local application, special or local, which conflict with this act; providing for exceptions; and specifically repealing sections 34-5-1 through 34-5-16 of the Code of Alabama 1975.

Committee on Governmental  
Affairs/State Administration

By Senator Owens:

**S. 127.** To amend Sections 34-7-1, 34-7-2, 34-7-4, 34-7-5, 34-7-7, 34-7-11, 34-7-12, 34-7-16, 34-7-21, 34-7-24, 34-7-25, 34-7-40, 34-7-41, 34-7-42, 34-7-45 and 34-7-47 of the Code of Alabama 1975, which pertain to the Alabama Board of Cosmetology, so as to add a short title legislative declaration; to add further enforcement provisions, fines, injunctive enforcement, and alignment with the Alabama Administrative Procedure Act; and to increase license fees and board member's compensation.

Committee on Consumer Affairs

By Senators Hilliard, Bedsole, Mitchem, Amari, Denton, Dixon, Hale, Floyd, Ellis, Little, Bolling, Smith (J), Langford, Dial,

and Lipscomb:

**S. 128.** Relating to the Alabama Public Service Commission; amending Sections 37-3-10, 37-3-11, 37-3-13, 37-3-15, 37-3-17, 37-3-21 and 37-3-22 of the Code of Alabama 1975, relating to motor vehicle carriers, so as to provide further for the regulation of such carriers and repealing Section 37-3-14 of the Code of Alabama 1975, which relates to the dual operations by motor vehicle carriers.

Committee on Commerce,  
Transportation, and Utilities

By Senator Hale:

**S. 129.** To amend Section 6-5-332.1, Code of Alabama 1975, relating to immunity from liability for certain persons assisting in mitigating the effects of a hazardous waste discharge, so as to include members of emergency planning groups within such immunity.

Committee on Judiciary/Civil

By Senator Hilliard:

**S. 130.** To amend Section 14-9-41 of the Code of Alabama 1975, which relates to computation of incentive time deductions, so as to allow an inmate who has been sentenced to a term of 15 years or less in the state penitentiary to earn correctional incentive time in accordance with the other provisions of this section.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Hale:

**S. 131.** To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for nighttime searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, relating to search warrants.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator deGraffenried:

**S. 132.** To provide for the development of a comprehensive

emergency medical services system in the state and to adopt rules necessary to carry out the provisions of this act; to establish a unified emergency medical services system throughout Alabama to prevent needless loss of human life, disability, and suffering; to provide improved mechanisms for the development and implementation of plans addressing medical control and accountability for prehospital care, physician responsibility for the management of patient care including the issuance of physician orders from designated associate and resource hospitals for performance of advanced medical procedures by prehospital personnel, patient treatment and transportation requirements, professional and technical training, manpower, emergency medical communications, access to care and dispatching, coordinated patient record keeping, evaluation, public information, and mutual aid; to establish a state emergency medical control committee and a state advisory committee to assist with drafting of rules; to establish the position of state EMS medical director; to repeal sections 22-18-1 through 22-18-7, Code of Alabama 1975; and to provide penalties for violation of this act.

Committee on Health

By Senator Hilliard:

**S. 133.** To provide for the "Alabama Safety Belt Use Act of 1991"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

Committee on Commerce,  
Transportation, and Utilities

By Senators Hale, Dixon, Lipscomb, and Ellis:

**S. 134.** Relating to amending the definition of peace officer and state trooper in the Code of Alabama for purposes of compensation for death and disability so as to include probation and parole officers and forensic sciences law enforcement officers; to amend Section 36-30-1 of the Code of Alabama 1975, relating to the definition of peace officer so as to include law enforcement officers of the department of forensic sciences and state probation and parole officers in such definition in the event any such officer is killed either accidentally or deliberately in the performance of his duties; and to amend Section 36-30-20 of the Code of Alabama 1975, relating to the definition of state trooper so as to include state probation and parole officers of the Alabama board of pardons and paroles and law enforcement officers of the state department of forensic

sciences in such definition in the event of death or disability from occupational diseases.

Committee on Judiciary/Civil

By Senator deGraffenried:

**S. 135.** To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, so as to permit municipal and county funds to be invested in certain open-end or closed-end investment trusts which are invested in direct obligations of the United States of America or repurchase agreements respecting such U. S. obligations.

Committee on Banking  
and Insurance

By Senator Windom:

**S. 136.** To amend Section 13A-7-29, Code of Alabama 1975, relating to littering, so as to increase the penalty.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator deGraffenried:

**S. 137.** To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1989 Special Session and the 1990 Regular Session of the Legislature, as contained in the 1990 Cumulative Supplement to certain volumes of the Code and in the 1990 Replacement Volume 14 of the Code; and to make corrections in certain volumes of such cumulative supplement.

Committee on Judiciary/Civil

By Senator deGraffenried:

**S. 138.** To amend Section 22-50-62, Code of Alabama 1975, relating to disclosure of information by the department of mental health and mental retardation, so as to provide that the proceedings, minutes, records, operations and reports of certain internal committees and programs of the department will be privileged and may not be disclosed or obtained except under extraordinary circumstances.

Committee on Public Welfare

By Senator Smith (B):

**S. 139.** To provide that appeals from death sentence cases and from post conviction writs involving such cases shall be directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; and to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator deGraffenried:

**S. 140.** To amend Section 41-16-21 of the Code of Alabama 1975, relating to contracts for which competitive bidding is not required generally and certain institutions exempted from provisions of the Article relating to powers and duties of the Department of Finance, so as to provide that those institutions and state agencies shall be required to solicit bids on contracts involving \$5,000.00 or more.

Committee on Finance  
and Taxation

By Senators Dixon, Dial, Bolling, Smith (B), Lipscomb, Barron, Little, Owens, Hale, and Bedsole:

**S. 141.** To establish and provide for a Mandated Advisory Benefits Panel to review any proposed legislation that mandates health insurance coverage for specific health services, for specific diseases, or for certain providers of health services as part of individual or group health insurance policies or plans; to provide that legislative committees shall request reports from the Mandated Benefits Advisory Panel; and to provide certain guidelines to be used in evaluating the proposed legislation.

Committee on Banking  
and Insurance

By Senator Denton:

**S. 142.** Providing for the permitting and regulation of persons, firms, associations and corporations engaged in the alarm systems business in this state under the regulatory authority of the state fire marshal; authorizing the state fire marshal to prescribe fees for certain

permits and identification cards related to such business; prescribing penalties for enforcement and providing procedures for the administration of this act.

Committee on Small Business

By Senator Denton:

**S. 143.** To amend Sections 39-1-1, 39-2-2, 39-2-3, 39-2-5, 39-2-9 and 39-2-12, Code of Alabama 1975, relating to public contracts, so as to increase the amount of contracts for which bonds are required and to allow certain security to be used in lieu of a bond for contracts under \$20,000.00; to increase the bid amount requiring formal advertising; to eliminate the \$5.00 proposal fee and combine proposal, plan, and specification fee; to increase the maximum amount for bid bonds; to extend the periods of time within which bids must be returned; to extend the period of time allowed for approval of the bond and execution of the contract; and to allow payment for materials suitably stored off the job site.

Committee on Governmental  
Affairs/Local Government

By Senator Hale:

**S. 144.** To amend Section 12-17-161 of the Code of Alabama 1975, relating to district court clerks, so as to elect between participating in the employees' retirement system and a supernumerary system for such clerks with a transfer of contributions to the supernumerary fund provided for in Section 12-17-143 of the Code of Alabama 1975.

Committee on Finance  
and Taxation

By Senator deGraffenried:

**S. 145.** To amend the Code of Alabama 1975, Section 6-2-8 to remove the category of "persons imprisoned on a criminal charge for any term less than life" from the list of persons who are considered to be under a civil disability with respect to commencing an action, making entry on land, or defending against an action and, as a result of said disability, are, under present law, permitted an additional three years, or the period allowed by law for the commencement of such action if it be less than three years, after release from prison, to commence a civil action, to make entry on land or to enter a defense founded on the title



to real property, since inmates in all state penal institutions now have access to law libraries, administrative remedies and access to courts available.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator deGraffenried:

**S. 146.** Relating to all civil actions in tort, contract or otherwise against materialmen who provide labor, material and supplies used in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide for an exception to the bar to relief with respect to actions accruing more than seven years after the substantial completion of construction of an improvement on or to real property where there is a written express warranty or indemnity which by the written terms thereof shall extend beyond the period of seven years; to provide when a cause of action accrues or arises; to provide that this act applies to causes of action which have accrued prior to its effective date; to provide that this act does not create any cause of action against materialmen or any other person; to define terms; and to repeal all conflicting laws.

Committee on Business and Labor  
Relations

By Senators Corbett, Denton, Langford, Foshee, Windom, Hilliard, Campbell, Parsons, Ghee, Wilson, Floyd, Lindsey, and Bennett:

**S. 147.** To amend further section 25-4-78, Code of Alabama 1975, relating to disqualifications for unemployment compensation benefits effective January 1, 1991, so as to remove lockout from the disqualifications.

Committee on Judiciary/Civil

By Senator Windom:

**S. 148.** To amend Sections 27-13-28 and 27-13-66, Code of Alabama 1975, which relate to the annual statistical reports of insurance companies, so as to provide that certain information shall be public

record; and to provide for a fine levied and collected by the commissioner, after a special hearing, for any person who, without prior written authorization, obtains any records, data or other information, or access thereto, of an insurance company or rate organization with the intent to convey such records, data or information to another company or organization for the purpose of affecting rates or gaining a competitive business advantage.

Committee on Banking  
and Insurance

By Senator Windom:

**S. 149.** To require proof of minimum insurance coverage prior to the licensing of motor vehicles; to provide penalties for failure to show proof of the required minimum insurance; and to provide the procedure upon notice of insurance cancellation.

Committee on Banking  
and Insurance

**COMMUNICATION FROM THE COMMISSION  
ON HIGHER EDUCATION**

January 25, 1991

TO THE LADY AND GENTLEMEN OF THE ALABAMA SENATE:

I am pleased to inform you that at its regular meeting on October 23, 1990, held at Athens State College, the Alabama Commission on Higher Education unanimously voted to select Dr. Henry J. Hector as its executive director.

Pursuant to Section 16-5-4(d) CODE OF ALABAMA, 1975, we respectfully request that you confirm his appointment as executive director of the Alabama Commission on Higher Education by appropriate Senate rules and procedure.

Sincerely,

FRANK A. NIX  
Chairman.

**COMMUNICATION RECEIVED**

The foregoing Communication from the Commission on Higher

Education, relative to an election of an executive director, was read and referred to the Standing Committee on Confirmations.

**COMMUNICATION FROM THE STATE  
SUPERINTENDENT OF EDUCATION**

April 3, 1991

The Alabama State Senate  
State House  
Montgomery, AL 36130

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the State of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on June 22, 1990.

<u>Name</u>	<u>Address</u>	<u>Expiration District</u>	<u>of Term</u>
James D. Loftin, Sr.	Dothan, AL	Second	1992

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of  
Education.

Sworn to and subscribed  
before me on this 3rd  
day of April, 1991.

/s/ Jerri Persall  
Notary Public

**COMMUNICATION RECEIVED**

The foregoing Communication from the State Superintendent of Education, relative to an election to the Board of Trustees, University of Alabama, was read and referred to the Standing Committee on Confirmations.

**COMMUNICATION FROM THE STATE  
SUPERINTENDENT OF EDUCATION**

April 3, 1991

The Alabama State Senate  
State House  
Montgomery, AL 36130

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the State of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on June 22, 1990.

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
Yetta G. Samford, Jr.	Opelika, AL	Third	1996

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of  
Education.

Sworn to and subscribed  
before me on this 3rd  
day of April, 1991.

/s/ Jerri Persall  
Notary Public

### COMMUNICATION RECEIVED

The foregoing Communication from the State Superintendent of Education, relative to an election to the Board of Trustees, University of Alabama, was read and referred to the Standing Committee on Confirmations.

### COMMUNICATION FROM THE STATE SUPERINTENDENT OF EDUCATION

April 3, 1991

The Alabama State Senate  
State House  
Montgomery, AL 36130

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the State of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on June 22, 1990.

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
William H. Mitchell	Florence, AL	Fifth	1996

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of  
Education.

Sworn to and subscribed  
before me on this 3rd  
day of April, 1991.

/s/ Jerri Persall  
Notary Public

**COMMUNICATION RECEIVED**

The foregoing Communication from the State Superintendent of Education, relative to an election to the Board of Trustees, University of Alabama, was read and referred to the Standing Committee on Confirmations.

**COMMUNICATION FROM THE STATE  
SUPERINTENDENT OF EDUCATION**

April 3, 1991

The Alabama State Senate  
State House  
Montgomery, AL 36130

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the State of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on June 22, 1990.

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
T. Michael Goodrich	Birmingham, AL	Sixth	1995

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of  
Education.

Sworn to and subscribed  
before me on this 3rd  
day of April, 1991.

/s/ Jerri Persall  
Notary Public

**COMMUNICATION RECEIVED**

The foregoing Communication from the State Superintendent of Education, relative to an election to the Board of Trustees, University of Alabama, was read and referred to the Standing Committee on Confirmations.

**COMMUNICATION FROM  
DEPARTMENT OF ARCHIVES AND HISTORY**

February 15, 1991

The Honorable McDowell Lee  
Secretary of the Senate  
Senate Chamber  
Alabama State House  
Montgomery, AL 36130

Dear Mr. Lee:

On November 8, 1990, the Trustees of the Alabama Department of Archives and History elected John T. Oliver, Jr. of Jasper, from the Fourth Congressional District, as a member of the Board for a six-year term beginning January 1, 1991 and ending December 31, 1996. In accordance with Alabama law (Code 41-6-4), we are communicating the results of this election to you so that Mr. Oliver's election may be confirmed by the Senate.

Please let us know if you need any additional information. We would appreciate your help in bringing the result of this election before the Senate during the next session.

Sincerely,

EDWIN C. BRIDGES  
Director.

**COMMUNICATION RECEIVED**

The foregoing Communication from the Department of Archives and History, relative to an election to the Board of Trustees from the Fourth Congressional District, was read and referred to the Standing Committee on Confirmations.

**COMMUNICATION FROM  
DEPARTMENT OF ARCHIVES AND HISTORY**

January 17, 1991

The Honorable McDowell Lee  
Secretary of the Senate  
Senate Chamber  
Alabama State House  
Montgomery, AL 36130

Dear Mr. Lee:

On August 9, 1990, the Trustees of the Alabama Department of Archives and History re-elected James Simpson from the Sixth District as a member of the Board for a six-year term beginning January 1, 1991 and ending December 31, 1996. In accordance with Alabama law (Code 41-6-4), we are communicating the results of this election to you so that Mr. Simpson's election may be confirmed by the Senate.

Please let us know if you need any additional information. We would appreciate your help in bringing the result of this election before the Senate during the next session.

Sincerely,

EDWIN C. BRIDGES  
Director.

**COMMUNICATION RECEIVED**

The foregoing Communication from the Department of Archives and History, relative to a re-election to the Board of Trustees from the Sixth Congressional District, was read and referred to the Standing Committee on Confirmations.

**COMMUNICATION FROM  
DEPARTMENT OF ARCHIVES AND HISTORY**

February 15, 1991

The Honorable McDowell Lee  
Secretary of the Senate  
Senate Chamber  
Alabama State House  
Montgomery, AL 36130

Dear Mr. Lee:

On August 9, 1990, the Trustees of the Alabama Department of Archives and History re-elected William H. Mitchell from the Fifth District as a member of the Board for a six-year term beginning January 1, 1991 and ending December 31, 1996. In accordance with Alabama law (Code 41-6-4), we are communicating the results of this election to you so that Mr. Mitchell's election may be confirmed by the Senate.

Please let us know if you need any additional information. We would appreciate your help in bringing the result of this election before the Senate during the next session.

Sincerely,

EDWIN C. BRIDGES  
Director.

#### COMMUNICATION RECEIVED

The foregoing Communication from the Department of Archives and History, relative to a re-election to the Board of Trustees from the Fifth Congressional District, was read and referred to the Standing Committee on Confirmations.

#### RESOLUTIONS

Senator Dial offered the following Senate Resolutions, to-wit:

**SR 7. COMMENDING WILLIS D. ISRAEL OF WE-DOWEE, ALABAMA, ON HIS DISTINGUISHED MEDICAL CAREER, 1956-1990.**

Also:

**SR 8. WELCOMING THE MANUFACTURING FACILITIES OF AMOCO NISSEKI CLAF, INC., A JOINT VENTURE OF AMOCO FABRICS AND FIBERS COMPANY AND NIPPON PETROCHEMICALS COMPANY, LTD., TO ROANOKE, ALABAMA.**

Which were filed.

Senator Waggoner offered the following Senate Resolution, to-wit:

**SR 9. COMMENDING PAUL FINEBAUM OF BIRMING-**



HAM, ALABAMA, FOR DISTINGUISH PROFESSIONAL ACHIEVEMENT.

Which was filed.

### MOTION TO RECESS

At 12:35 P.M., Senator deGraffenried moved that the Senate take a recess until 6:25 this evening, at which time the Senate will convene with the House in Joint Session to hear the Message of Governor Hunt; and further moved that upon completion of the Joint Session the Senate adjourn, which motion was adopted.

At 6:25 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### REPORT FILED

Pursuant to Section 6.12(a) of Amendment 328, of the Constitution of Alabama of 1901, as amended, the report of The Alabama Supreme Court Regarding Needed Judgeships, was filed with the Secretary.

### RECESS

At 6:28 P.M., on motion of Senator Hale, in accordance with Motion heretofore adopted, the Senate took a recess for the Joint Session.

### JOINT SESSION

At 6:30 P.M., in accordance with Motion heretofore adopted, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the Message of His Excellency, the Governor, the Honorable Guy Hunt.

The Session was called to order by Lieutenant Governor Folsom, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Guy Hunt was escorted to the chair and delivered his address to the Legislature of Alabama.

See House Journal for the Message of the Governor.

**ADJOURNMENT**

The purpose of the Joint Session having been accomplished, and in accordance with Motion heretofore adopted, at 7 o'clock P.M., the Senate adjourned until Thursday, April 18, 1991, at 10 o'clock A.M.

## **SECOND LEGISLATIVE DAY**

**THURSDAY, APRIL 18, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Hal McNeeley, Assistant Pastor, Trinity Presbyterian Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Rob Norris, Jefferson Davis High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Preuit, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senators Figures and Smith (B) for today.

**MOTION TO ADJOURN**

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, April 23, 1991, at 2 o'clock P.M., which motion was adopted.

**NOTICE IN WRITING**

Senator Horn offered the following Notice in Writing, to-wit:

**NOTICE IN WRITING**

Notice is hereby given that on the next legislative day, a motion will be made to amend the Senate Rules as follows:

Rule 52(b) is hereby amended as follows:

After the words "Legislative Reference Service" on Line 2 of Rule 52 (b), add the following: ", the Legislative Fiscal Office, or the Executive Budget Office"

Which was read and ordered filed with the Secretary.

**NOTICE IN WRITING**

Senator Horn then offered the following Notice in Writing, to-wit:

**NOTICE IN WRITING**

Notice is hereby given that on the next legislative day, a motion will be made to amend the Senate Rules as follows:

Rule 75(a) is hereby amended to add the word "general" as stated below:

RULE 75.(a) Every general bill before any vote is taken thereon by the Senate must have endorsed thereon or attached thereto a reliable estimate of the amount of money involved therein, and the anticipated increase or decrease in revenue collections under the provisions of the bill. All fiscal notes provided for in this rule and other rules of the Senate must be prepared by or certified by the Chief Legislative Fiscal Officer as being substantially accurate to the best of his or her knowledge, information and belief. The fiscal note shall also be prepared by or under the supervision of the standing committee to which the bill is referred. The fiscal note shall be endorsed on the bill or attached thereto, and shall be printed on the calendar of bills on third reading immediately following the title of the bill. Any general bill on second reading not having a fiscal note affixed thereto shall be recommitted to the Committee from whence it came. (No general bill shall be given its third reading, unless it has affixed thereto a valid fiscal note.)

(b) All resolutions creating a committee or program wherein the expenditure of funds out of the state treasury is authorized must contain the same fiscal note as defined in paragraph (a) above and must be referred to the Committee on Rules.

Which was read and ordered filed with the Secretary.

### RESOLUTIONS

Senator Horn requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 10. DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE ALABAMA SPECIAL EDUCATIONAL TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1992.**

WHEREAS, the Legislature hereby determines pursuant to Act 88-981 that an emergency exists in regard to funding from the Alabama Special Educational Trust Fund:

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the sum of \$16,000,000 shall be withdrawn from the Proration Prevention Account and shall be transferred to the Alabama Special Educational Trust Fund on or after October 1, 1991, to be available for appropriation by the Legislature for the fiscal year ending September 30, 1992.

BE IT FURTHER RESOLVED That this resolution shall become effective immediately upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator Horn, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bailey and Corbett requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 11. MOURNING THE DEATH OF DEAL WAMBLES OF DOTHAN, ALABAMA.**

WHEREAS, it is with deep sadness and regret that the Alabama Senate records the death of Deal Wambles of Dothan, Alabama, on December 10, 1990, at the age of 64 years; and

WHEREAS, a native of Elba, Alabama, and a United States Navy veteran of World War II, Deal Wambles owned and operated Automatic Transmission Rebuilders in Dothan for more than 20 years, was a 20-year member of the Houston County Sheriff's Department, a past president of the Sheriff's Association, and a constable for Houston County; and

WHEREAS, Mr. Wambles, in an extension of community service and involvement, also was a lifetime member of the Clayton, Alabama, Sheriff's Boys Ranch; was a member, service officer and past commander of the DAV; a 32nd Degree Mason and a member of the Scottish Rite; and was an active member of the Highland Park Methodist Church which he served in deep, abiding faith and love for the Lord; and

WHEREAS, as the founder and Chief of the Cherokees of Southeast Alabama, Inc., Chief Wambles worked tirelessly for his people and tribe, and traveled extensively to schools throughout Alabama to relate Indian ways to our state's young students; he also joined his brothers in their instrumental quest to establish the Alabama Indian Affairs Commission; and

WHEREAS, the death of Chief Deal Wambles has indeed left a deep void in the life of his community and in the hearts of his loving family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously

mourn the death of Chief Deal Wambles of Dothan, Alabama, and extend deepest sympathy to his beloved wife of 43 years, Mrs. Pauline Wambles; to his five children; to his mother, Mrs. Maudie Price; and to other family members, for whom a copy of this resolution shall be provided that they may know of our shared sorrow in their great and inconsolable loss.

On motion of Senator Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Denton requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 12. DESIGNATING "THE MIRACLE WORKER" AS THE OFFICIAL OUTDOOR DRAMA OF THE STATE OF ALABAMA.**

WHEREAS, Ivy Green, the birthplace of Helen Keller, was constructed in 1820 by her grandfather and is listed on the national register of historic places; and

WHEREAS, the birthplace of Helen Keller has been managed since 1951 by the Helen Keller Properties Board; and

WHEREAS, in 1962, the first production of William Gibson's drama, "The Miracle Worker," was performed on the grounds of Ivy Green and the play, to be presented for the 30th consecutive year in 1991, is performed by non-paid local performers; and

WHEREAS, the play, consistently rated as Alabama's top attraction by tourist groups and writers from throughout the nation, is attended by thousands of visitors from outside the state, which in 1990 included representatives from 35 states and ten countries; and

WHEREAS, "The Miracle Worker" has had, and continues to have, great impact upon its audiences and serves as an inspiration to both young people and adults alike; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the drama by William Gibson, "The Miracle Worker," which is performed annually on the grounds of Ivy Green, the birthplace of native Alabamian Helen Keller, is hereby designated as the official outdoor drama of the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for presentation to the members of the Helen Keller Properties Board.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Mitchell requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 13. INVITING UNITED STATES ATTORNEY GENERAL RICHARD L. THORNBURGH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE, IN RECOGNITION OF THE YEAR COMMEMORATING THE BILL OF RIGHTS.**

WHEREAS, the year 1991 has been designated as the year to commemorate the Bill of Rights in Alabama and throughout the nation; and

WHEREAS, the Alabama Legislature desires to recognize this historical document in a significant way; and

WHEREAS, the Attorney General of the United States is the nation's leading law enforcement official whose duties and responsibilities include defending and protecting the rights of all Americans as guaranteed by the Bill of Rights; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully request the Honorable Richard L. Thornburgh, United States Attorney General, to address a joint session of the Alabama Legislature on Thursday, May 2, 1991, at 10:00 a.m., whereupon the Alabama Senate and the Alabama House of Representatives will assemble in joint session to hear his remarks.

BE IT FURTHER RESOLVED, That Attorney General Thornburgh be advised, by copy of this resolution, of our invitation to address the Legislature and of our hopeful anticipation of his acceptance.

On motion of Senator Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bedsole requested and received permission to suspend the Rules to offer the following Senate Resolution, to-wit:



**SR 14. COMMENDING THE MOBILE THEATRE GUILD AND DIRECTOR MICHAEL MCKEE FOR OUTSTANDING ACHIEVEMENT.**

Which was filed.

Senator Owens requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 15. COMMENDING THE UNITED METHODIST CHILDREN'S HOME, 1891-1991.**

WHEREAS, in the Fall of 1889, the Alabama and North Alabama Conferences of the Methodist Episcopal Church South authorized the establishment of a Home for Orphan Children which formally opened at Summerfield, Alabama, in January 1890, admitting the first child, Charles Ebbsworth Moore, on September 5, 1890; and

WHEREAS, the agency, chartered as the Alabama Methodist Orphanage by the Alabama Legislature on February 5, 1891, operated for the first 20 years from Summerfield College, moving in 1911 to Selma, a site which offered the advantages of community facilities, schools, libraries, medical and dental services; and

WHEREAS, by the 1930's the institution was serving not only orphans, but also children suffering from physical and/or emotional neglect and to reflect these changes, the name was changed to the Methodist Children's Home; and

WHEREAS, the Children's Home, in continuing sensitivity to the needs of children and their families, has adjusted its programming accordingly, and services throughout the last century have included residential programs, foster care, adoption, behavior management, emergency shelter care, as well as scholarship/transition programs; and

WHEREAS, in the early 1940's a building program culminated in the construction of the Children's Village in Selma consisting of ten family-style cottages to house a staff and ten children each, and, upon completion in the 1950's, was the first Methodist Children's Village in the South; and

WHEREAS, continuing to demonstrate leadership in the field of children's services, the Home began an expansion to better serve children nearer their home area; in the Summer of 1968, the agency began establishing group homes and, by the mid-seventies, homes were

built in Florence, Huntsville, Scottsboro, Tuscaloosa, Birmingham, Mobile, Dothan and Pensacola; and

WHEREAS, in 1983, the Children's Home staff implemented a pilot project to prepare children within the foster care system to live independently upon leaving care, and the Preparation for Independent Living Program which resulted is now used as a model for classes being taught throughout the State of Alabama; and

WHEREAS, other programs piloted by the Children's Home have included therapeutic foster care, parent-adolescent training programs, pre-placement in-home counseling, diagnostic and evaluation services; and

WHEREAS, the United Methodist Children's Home serves between 500 and 600 young persons each year, thereby affording the agency the opportunity to "Give a Child a Chance" thousands of times, and to be rewarded by the many alumni who have become successful members (and leaders) of their communities and churches; and

WHEREAS, the United Methodist Children's Home is indeed the premier program of child care in this area and, in building upon a past marked by excellence and Christian concern, now moves into its second "Century of Caring"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of excellence in its field, and in gratitude for the care provided to the many thousands of children who have so greatly benefitted from the love and stability of such concerned care, we hereby most highly commend the United Methodist Children's Home, and do further direct that a copy of this resolution be prepared for presentation on the 100th Anniversary celebration of its establishment.

On motion of Senator Owens, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedsole, Windom, and Lipscomb requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 16. COMMENDING BEA VOLKMAN OF MOBILE FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.**

WHEREAS, the Legislature of Alabama most highly commends and congratulates Bea Volkman, a Mobile County public school teacher, as Alabama's 1990 Elementary Teacher of the Year and as one of four finalists in the National Teacher of the Year competition; and

WHEREAS, Mrs. Volkman, who has earned a master's degree, principal's certificate and is working on AA certification at the University of Alabama, is the arts facilitator at Old Shell Road and Dunbar magnet schools for creative and performing arts; and

WHEREAS, a veteran of 18 years as a classroom teacher of learning disabled children in kindergarten through fifth grades, Mrs. Volkman was a learning disabilities resource teacher at Semmes Elementary School when she entered the 1990 Teacher of the Year competition; and

WHEREAS, Mrs. Volkman is indeed an outstanding teacher, as evidenced by her selection as Alabama's Elementary Teacher of the Year; also, in view of her representation of our state in the finals of the prestigious national program and her many career achievements and accomplishments, she is a credit to her profession, to the Mobile County School System and to the entire State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished professional achievement and service, we hereby most highly commend Alabama's 1990 Elementary Teacher of the Year, Bea Volkman of Mobile, Alabama, in whom we are justly proud and for whom a copy of this resolution shall be provided.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedsole, Windom, and Lipscomb then requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 17. COMMENDING THE MOBILE THEATRE GUILD AND DIRECTOR MICHAEL MCKEE FOR OUTSTANDING ACHIEVEMENT.**

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates the Mobile Theatre Guild of Mobile, Alabama, for its production of "A Walk in the Woods," which will represent the Southeast Region of the United States at the national community theatre

competition to be held this summer; and

WHEREAS, our state organization, Alabama Theatre League, selected the Mobile Theatre Guild's production of "A Walk in the Woods" to represent the state of Alabama at the Southeastern Theatre Conference (Region IV) held in Winston-Salem, North Carolina, on March 9th of this year; and

WHEREAS, the Mobile Theatre Guild production won awards for Best Actor (Louis Courie), Best Director (Michael McKee), and Best Production; and

WHEREAS, the Best Production Award bestows the honor of representing Region IV at the national convention of the American Association of Community Theatre, to be held in Overland Park, Kansas, June 18-23, 1991; and

WHEREAS, participants at the national level are expected to be asked to represent the United States at international festivals during the next two years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Mobile Theatre Guild and its Director, Mike McKee, for outstanding professional achievement.

BE IT FURTHER RESOLVED, That copies of this resolution of commendation be provided for the Mobile Theatre Guild and Director McKee.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

#### **ELECTION OF MEMBERS TO LEGISLATIVE COUNCIL**

The Senate proceeded to the election of Senate members to the Legislative Council.

Senator Ghee nominated Senators Dial, Hale, Little, and Foshee.

On motion of Senator Ghee, Senator Dial was elected as a member of the Legislative Council.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett,

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deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Smith (J), Waggoner, and Wilson -31

Nays: - 0

On motion of Senator Ghee, Senator Hale was elected as a member of the Legislative Council.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Smith (J), Waggoner, and Wilson -31

Nays: - 0

On motion of Senator Ghee, Senator Little was elected as a member of the Legislative Council.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Smith (J), Waggoner, and Wilson -31

Nays: - 0

On motion of Senator Ghee, Senator Foshee was elected as a member of the Legislative Council.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale,

Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell,  
Mitchem, Owens, Parsons, Preuitt, Smith (J), Waggoner, and  
Wilson -31

Nays: - 0

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.**

Also:

**HJR 3. INVITATION FOR JOINT ADDRESS.**

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### COMMITTEE REPORT FILED

Pursuant to the provisions of Section 41-20-4, Code of Alabama 1975, the annual report of the Sunset Committee was filed with the Secretary.

### RESOLUTIONS

Senator Dial requested and received permission to suspend the Rules to offer the following Senate Resolution, to-wit:

**SR 18. CONGRATULATING MR. AND MRS. ABRAHAM AKEL ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.**

Which was filed.

Senators Dial, Ghee, Bennett, and Parsons requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 19. COMMENDING COACH RUDY ABBOTT OF JACKSONVILLE STATE UNIVERSITY FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.**

WHEREAS, the Legislature of Alabama, in commendation of esteem, notes the selection of Rudy Abbott of Jacksonville State University as 1990 Diamond National Coach of the Year, Division II, by the American Baseball Coaches Association; and

WHEREAS, a veteran of 21 years at JSU, Coach Abbott led the Gamecocks to their first National Baseball Championship with a four-game sweep, and to both the Gulf South Conference and South Central Region titles as well; and

WHEREAS, Coach Abbott, also 1990 South Region Coach of the Year, paid tribute to his assistant coaches and players with whom he shared credit for the Gamecocks' sensational season (43-9), and their 12-8 victory over Cal State Northridge in the title game which also was win No. 659 for JSU's head coach for a winning percentage of 72.1; and

WHEREAS, in addition to directing the Gamecocks to the 1990 Championship, Coach Abbott has led his JSU teams to five GSC titles, 11 GSC divisional titles, six NCAA Division II region titles and participation in six College World Series; and

WHEREAS, by request of the Baseball Hall of Fame, a photograph of the 1990 JSU Championship team and a Gamecock jersey, bearing Coach Abbott's No. 18 and his name, have been donated for display in the Hall's amateur baseball room, which brings great fame and honor to the University and the State of Alabama; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That in recognition of outstanding professional achievement and distinguished service to college athletics, we hereby most highly commend Coach Rudy Abbott of Jacksonville State University, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Dial and Barron requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 20. NAMING THE GYMNASIUM AT COLLINSVILLE HIGH SCHOOL, COLLINSVILLE, ALABAMA, IN HONOR OF L. D. DOBBINS.**

WHEREAS, Coach L. D. Dobbins of Collinsville High School, Collinsville, Alabama, recently celebrated his 500th victory as a varsity coach; and

WHEREAS, Coach Dobbins, throughout his career as both educator and coach, has served as a model of achievement, and he is indeed a credit to his school, the Collinsville community and his profession; and

WHEREAS, in appreciation for Coach Dobbins' many outstanding contributions to school and community, it is both fitting and proper that his achievement and service be recognized and that such tribute be made in an appropriate and lasting manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of Coach L. D. Dobbins of Collinsville High School, Collinsville, Alabama, the gymnasium at said school is hereby named and designated as the "L. D. Dobbins Gymnasium."

BE IT FURTHER RESOLVED, That the proper officials are herein authorized to erect and maintain appropriate signs and markers so designating said structure as the "L. D. Dobbins Gymnasium."

RESOLVED FURTHER, That copies of this resolution be forwarded to Collinsville High School, Office of the Principal; to the DeKalb County Board of Education; and to Coach L. D. Dobbins as a memento of this honorary designation by the Alabama Legislature.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.



**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Agricultural and Mechanical University Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Richard D. Davis, Jr., from Mobile, Alabama, to the Alabama Agricultural and Mechanical University Board of Trustees, term expiring January 31, 1996.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Agricultural and Mechanical University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Agricultural and Mechanical University Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. John Stallworth from Huntsville, Alabama, to the Alabama Agricultural and Mechanical University Board of Trustees, with term expiring January 31, 1996.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Agricultural and Mechanical University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Agricultural and Mechanical University Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Waymon G. Sherrer from Oneonta, Alabama, to the Alabama Agricultural and Mechanical University Board of Trustees, with term expiring January 31, 1992.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Agricultural and Mechanical University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Agricultural and Mechanical University Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Chris McNair from Birmingham, Alabama, to the Alabama Agricultural and

Mechanical University Board of Trustees, with term expiring January 31, 1992.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Agricultural and Mechanical University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Agricultural and Mechanical University Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Dr. Oscar D. Tucker from Tuscaloosa, Alabama, to the Alabama Agricultural and Mechanical University Board of Trustees, with term expiring January 31, 1992.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Agricultural and Mechanical University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Agricultural and Mechanical University Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Sage Lyons, Jr. from Mobile, Alabama, to the Alabama Agricultural and Mechanical University Board of Trustees, with term expiring January 31, 1996.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor,

relative to an appointment to the Alabama Agricultural and Mechanical University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of Montevallo Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. P. L. (Mac) McLeod, Jr., from Montgomery, Alabama, to the University of Montevallo Board of Trustees, with term expiring January 19, 1995.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the University of Montevallo Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State University Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mrs. Jo Ann R. Paddock from Montgomery, Alabama, to the Alabama State University Board of Trustees term expiring January 31, 2002.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State University Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Bobby Maxine Coley from Marion, Alabama, to the Alabama State University Board of Trustees term expiring January 31, 2002.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

#### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

#### **MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State University Board of Trustees.



Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Ross Dunn from Lanett, Alabama, to the Alabama State University Board of Trustees term expiring January 31, 2002.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

#### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alabama State University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

#### **MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of North Alabama Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Mary Ella Potts from Gardendale, Alabama, to the University of North Alabama Board of Trustees, with term expiring September 9, 1995.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the University of North Alabama Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of North Alabama Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. John M. (Charlie) Maner from Huntsville, Alabama, to the University of North Alabama Board of Trustees, with term expiring September 9, 1995.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the University of North Alabama Board of Trustees, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of North Alabama Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. William M. Coussons from Florence, Alabama, to the University of North Alabama

Board of Trustees, term expiring September 9, 1995.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the University of North Alabama Board of Trustees, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of South Alabama Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Homer Roberts Collins from Mobile, Alabama, to the University of South Alabama Board of Trustees, term expiring September 30, 2001.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the University of South Alabama Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of South Alabama Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Dr. James Herring of Mobile, Alabama, to the University of South Alabama Board of Trustees, term expiring September 30, 2001.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the University of South Alabama Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of South Alabama Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. John Counts of Mobile, Alabama, to the University of South Alabama Board of Trustees, term expiring September 30, 2001.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the University of South Alabama Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of South Alabama Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Judge Otha Lee Biggs from Monroeville, Alabama, to the University of South Alabama Board of Trustees, term expiring September 30, 2001.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the University of South Alabama Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of South Alabama Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Judge Charles Woods of Ozark, Alabama, to the University of South Alabama Board of Trustees, term to expire September 30, 2001.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.



**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the University of South Alabama Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of South Alabama Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Jack Rushing Brunson of Elba, Alabama, to the University of South Alabama Board of Trustees, term to expire September 30, 1997.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor,

relative to an appointment to the University of South Alabama Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of South Alabama Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mayor James P. Nix of Fairhope, Alabama, to the University of South Alabama Board of Trustees, term to expire September 30, 1997.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the University of South Alabama Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Auburn University Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Rep. Jack B. Venable from Tallassee, Alabama, to the Auburn University Board of Trustees. Representative Venable's term will expire January, 2003.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Auburn University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Auburn University Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Michael B. McCartney from Gadsden, Alabama, to the Auburn University Board of Trustees. Mr. McCartney's term will expire January, 2003.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Auburn University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Auburn University Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Charles G. Glover from Cullman, Alabama, to the Auburn University Board of Trustees. Mr. Glover will replace Mr. Morris Savage and his term will expire January, 2003.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Auburn University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mrs. Martha B. Harlan from Auburn, Alabama, to the Alabama Real Estate Commission, for term expiring September 30, 1996.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Ben Haley from Atmore, Alabama, to the Alabama Real Estate Commission, for term expiring September 30, 1996.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Jim Bagwell from Mt. Olive, Alabama, to the Alabama Real Estate Commission, for term expiring September 30, 1996.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Robert B. (Bob) Fain from Montgomery, Alabama, to the Alabama Real Estate Commission, representing the Second Congressional District, term



expiring September 30, 1995.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Heritage Trust Fund.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. W. Houston Blount from Birmingham, Alabama, to the Alabama Heritage Trust Fund. He will be replacing Mr. Aaron Aronov and his term will expire October 1, 1996.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Heritage Trust Fund, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Heritage Trust Fund.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Robbins Taylor of Montgomery, Alabama, to the Alabama Heritage Trust Fund. He will be replacing Mr. Kyser Wilson and his term will expire October 1, 1995.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Heritage Trust Fund, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama  
Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Trust Fund Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Thomas E. Rast from Birmingham, Alabama, to the Alabama Trust Fund Board, term expires October 1, 1994.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Trust Fund Board, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Trust Fund Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Winton M. "Red" Blount from Montgomery, Alabama, to the Alabama Trust Fund Board, term expires October 1, 1992.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Trust Fund Board, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Commission on Higher Education.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Earlon C. McWhorter from Anniston, Alabama, to the Alabama Commission on Higher Education, term expires August 31, 1998.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Commission on Higher Education, was read and referred to the Standing Committee on Confirmations.

### **MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Commission on Higher Education.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Ms. Jane McPherson from Oneonta, Alabama, to the Alabama Commission on Higher Education, term expiring August 31, 1999.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alabama Commission on Higher Education, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Commission on Higher Education.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Cindy Paler from Decatur, Alabama, to the Alabama Commission on Higher Education, term expiring August 31, 1991.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Commission on Higher Education, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Alcoholic Beverage Control Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Michael K. James of Anniston, Alabama, to the Alabama Alcoholic Beverage Control Board with term expiring January 1993.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Alcoholic Beverage Control Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:



I have re-appointed, subject to your confirmation, Ms. Audrey D. Wright from Montgomery, Alabama, to the Alabama Alcoholic Beverage Control Board, term expiring January 1993.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alabama Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Alcoholic Beverage Control Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Chester O. Stephens, Jr. from Selma, Alabama, to the Alabama Alcoholic Beverage

Control Board with term expiring January 1993.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Securities Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. A. Gene McKenzie from Montgomery, Alabama, to the Alabama Securities Commission, term expiring October 31, 1991.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Securities Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Securities Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. E. B. Peebles, III, from Mobile, Alabama, to the Alabama Securities Commission, term expiring October 31, 1993.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Securities Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Banking Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Bobby Barrett from Wetumpka, Alabama, to the State Banking Board, term expiring February 1, 1995.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Banking Board, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Banking Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mrs. Jewrette Y. Johnson from Birmingham, Alabama, to the State Banking Board, term expiring February 1, 1995.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Banking Board, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Credit Union Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. William Thomas Magruder from Mobile, Alabama, to the State Credit Union Board, with term expiring February 2, 1992.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the State Credit Union Board, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Credit Union Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, John R. Stephenson from Birmingham, Alabama, to the State Credit Union Board, term to expire February 2, 1992.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the State Credit Union Board, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Credit Union Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Albert E. Williams from Sheffield, Alabama, to the State Credit Union Board, term expiring February 2, 1993.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Credit Union Board, was read and referred to the Standing Committee on Confirmations.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Credit Union Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama



Lady and Gentlemen:

I have appointed, subject to your confirmation, William E. Freeze from Fairfield, Alabama, to the State Credit Union Board, term expiring February 2, 1993.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Credit Union Board, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Credit Union Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. James G. Lankford from Northport, Alabama, to the State Credit Union Board, with term expiring February 2, 1992.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the State Credit Union Board, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Credit Union Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Sarah B. Norred from Florala, Alabama, to the State Credit Union Board, term expiring February 2, 1994.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Credit Union Board, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Credit Union Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Larry Don Morgan from Birmingham, Alabama, to the State Credit Union Board, term expiring February 2, 1994.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Credit Union Board, was read and

referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Military Department.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

Colonel Lonnie J. Slauson, Jr. has been promoted to the rank of Brigadier General in the Assistant Adjutant General, Air, Headquarters, Alabama Air National Guard position.

The above appointment is being submitted to you for confirmation or for such action as you deem right and proper.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to the promotion to the rank of Brigadier General in the Assistant Adjutant General, Air, Headquarters, Alabama Air National

Guard, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Forestry Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Guice Slawson from Louisville, Alabama, to the Alabama Forestry Commission, term expiring November 5, 1995.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Forestry Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Forestry Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. John W. Barfield from Killen, Alabama, to the Alabama Forestry Commission, replacing Richard Porterfield, with term expiring November 5, 1995.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alabama Forestry Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Forestry Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, John C. Goodson, Jr. from Brent, Alabama, to the Alabama Forestry Commission, term to expire November 5, 1991.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Forestry Commission, was read and referred to the Standing Committee on Confirmations.

### **MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Environmental Management Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Joanne Elizabeth Boyd from Birmingham, Alabama, to the Environmental Management Commission, term expiring September 30, 1996.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Environmental Management Commission, was read and referred to the Standing Committee on Confirmations.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Environmental Management Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff



Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Stanley L. Graves from Birmingham, Alabama, to the Environmental Management Commission, term expiring September 30, 1996.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Environmental Management Commission, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Public Accountancy.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. J. Wray Pearce from Montgomery, Alabama, to the State Board of Public Accountancy, term expiring October 1, 1993.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Public Accountancy, was read and referred to the Standing Committee on Confirmations.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Public Accountancy.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Joseph Lamar Harris from Montgomery, Alabama, to the State Board of Public Accountancy, term expiring October 1, 1993.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Board of Public Accountancy, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Public Accountancy.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. George B. Warren, Sr., from Marion, Alabama, to the State Board of Public Accountancy, term expiring October 1, 1993.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Public Accountancy, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Public Accountancy.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Herbert Alexander Barr from Enterprise, Alabama, to the State Board of Public Accountancy, term expiring October 1, 1994.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the State Board of Public Accountancy, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Foreign Trade Relations Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. John W. Boone from Montgomery, Alabama, to the Foreign Trade Relations Commission, term expiring August 23, 2000.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Foreign Trade Relations Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Foreign Trade Relations Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.  
To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. J. Byard Swift from Atmore, Alabama, to the Foreign Trade Relations Commission, with term expiring August 23, 2000.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Foreign Trade Relations Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Board of Examiners of Landscape Architects.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Edward Clifton Dixon from Montgomery, Alabama, to the Alabama Board of Examiners of Landscape Architects.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Board of Examiners of Landscape Architects, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Board of Examiners of Landscape Architects.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, William R. Sorenson from Birmingham, Alabama, to the Alabama Board of Examiners of Landscape Architects, term ending January 3, 1992.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Board of Examiners of Landscape Architects, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:



I herewith transmit to you a message from the Governor relative to the State Board of Polygraph Examiners.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Lt. Jimmy L. Flanagan, Jr., to the State Board of Polygraph Examiners, with term expiring January 14, 1993.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the State Board of Polygraph Examiners, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Polygraph Examiners.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Pyron G. "Pete" Pound, Jr. from Bessemer, Alabama, to the State Board of Polygraph Examiners, term concurrent with the Governor.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the State Board of Polygraph Examiners, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Polygraph Examiners.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Dr. G. Vernon Pegram, Jr., from Birmingham, Alabama, to the State Board of Polygraph Examiners, term expiring January 14, 1996.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the State Board of Polygraph Examiners, was read and referred to the Standing Committee on Confirmations.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Polygraph Examiners.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Frederick G. Sides from Montgomery, Alabama, to the State Board of Polygraph Examiners with term expiring January 14, 1997.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the State Board of Polygraph Examiners, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Department of Industrial Relations, Board of Appeals.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Frank Parker from Birmingham, Alabama, to the Department of Industrial

Relations, Board of Appeals with term expiring March 28, 1997.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Department of Industrial Relations, Board of Appeals, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Farmers' Market Authority.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Dwight Tilley from Cullman, Alabama, to the Alabama Farmers' Market Authority, term ending February 1, 1994.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Farmers' Market Authority.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Bedsole Mosely from Leroy, Alabama, to the Alabama Farmers' Market Authority. Mr. Mosely will fill the unexpired term of Mr. Leslie Hatchett and his term will expire February 2, 1992.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alabama Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Farmers' Market Authority.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Wayne Gibson from Glenwood, Alabama, to the Alabama Farmers' Market Authority, term expiring February 1, 1996.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor,

relative to an appointment to the Alabama Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Farmers' Market Authority.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Mary Ann Sheppard from Shorter, Alabama, to the Alabama Farmers' Market Authority, term expiring February 1, 1996.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.



**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Farmers' Market Authority.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, John W. Morris from Birmingham, Alabama, to the Alabama Farmers' Market Authority with term expiring February 1, 1994.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Tuscaloosa County Civil Service Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Robert H. Hart, Jr., from Tuscaloosa, Alabama, to the Tuscaloosa County Civil Service Board, term to expire May 15, 1995.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Tuscaloosa County Civil Service Board, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Tuscaloosa City Civil Service Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Wallace H. Lancaster of Tuscaloosa, Alabama, to the Tuscaloosa City Civil Service Board, term expiring May 15, 1995.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Tuscaloosa City Civil Service Board, was read and referred to the Standing Committee on Confirmations.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Educational Television Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mrs. Gene McLain from Huntsville, Alabama, to the Alabama Educational Television Commission, term to expire June 25, 1991.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alabama Educational Television Commission, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Educational Television Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mrs. Bertha S. Roberts from Gadsden, Alabama, to the Alabama Educational Television

Commission, term to expire June 25, 1995.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Educational Television Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Educational Television Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Jacob Walker, Jr. from Opelika, Alabama, to the Alabama Educational Television Commission, term to expire June 25, 1999.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Educational Television Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Educational Television Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Dr. John H. Mosley from Ozark, Alabama, to the Alabama Educational Television Commission, term to expire June 25, 1998.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Educational Television Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Educational Television Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mrs. Belva M. (Bebe) Williams from Huntsville, Alabama, to the Alabama Educational Television Commission. Mrs. Williams will be replacing Mrs. Gene McLain and her term will expire June 25, 2001.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Educational Television Commission, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Institute for the Deaf and Blind Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mrs. Rachell Arrington of Birmingham, Alabama, to the Institute for the Deaf and Blind Board of Trustees. Mrs. Arrington's term will expire November 28, 1996.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor,



relative to a re-appointment to the Institute for the Deaf and Blind Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Institute for the Deaf and Blind Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Charles Wilson from Talladega, Alabama, to the Institute for the Deaf and Blind Board of Trustees. Mr. Wilson's term will expire November 28, 1996.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Institute for the Deaf and Blind Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Institute for the Deaf and Blind Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Ms. Peggy C. Estes from Eufaula, Alabama, to the Institute for the Deaf and Blind Board of Trustees. Ms. Estes' term will expire November 28, 1996.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Institute for the Deaf and Blind Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Institute for the Deaf and Blind Board of Trustees.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Annas Aytch from Huntsville, Alabama, to the Institute for the Deaf and Blind Board of Trustees. Mr. Aytch will be replacing Mr. William Smith and his term will expire November 28, 1996.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Institute for the Deaf and Blind Board of Trustees, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Credit Union Administration.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Lawrence C. (Sparky) Williams, as Administrator of the Alabama Credit Union Administration, term runs concurrently with that of the Governor.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment as Administrator of the Alabama Credit Union Administration, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Banking Department.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Zack Thompson from Huntsville, Alabama, as the Superintendent of Banks, term runs concurrently with that of the Governor.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment as Superintendent of Banks, State Banking Department, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Agriculture and Industries.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Jerry Newby from Athens, Alabama, to the State Board of Agriculture and Industries, term concurrent with the Governor.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Agriculture and Industries, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Agriculture and Industries.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Billy G. Deal from Headland, Alabama, to the State Board of Agriculture and

Industries, term concurrent with the Governor.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the State Board of Agriculture and Industries, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Agriculture and Industries.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Samuel P. Givhan from Safford, Alabama, to the State Board of Agriculture and Industries, term concurrent with the Governor.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Agriculture and Industries, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Agriculture and Industries.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. J. S. "Jack" Neal from Brewton, Alabama, to the State Board of Agriculture and Industries, term concurrent with the Governor.

Respectfully submitted,

GUY HUNT,  
Governor



Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Agriculture and Industries, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Agriculture and Industries.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Dan Smalley from Guntersville, Alabama, to the State Board of Agriculture and Industries.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor,

relative to a re-appointment to the State Board of Agriculture and Industries, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Board of Agriculture and Industries.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Milton "Buzz" Wendland from Autaugaville, Alabama, to the State Board of Agriculture and Industries, term concurrent with the Governor.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Agriculture and Industries, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Credit Union Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff

Done this 17th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Sarah G. Norred from Montgomery, Alabama, to the State Credit Union Board with term expiring February 2, 1994.

Respectfully submitted,

GUY HUNT,  
Governor

Done this 17th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Credit Union Board, was read and referred to the Standing Committee on Confirmations.

**RESOLUTIONS**

Senator Dial requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 21. DESIGNATING THE DYNE CREEK COMMUNITY.**

WHEREAS, the Alabama Legislature notes the historical, cultural and geographical significance of the area in Cleburne County south of Heflin near County Highway 19; and

WHEREAS, the citizens of this community have had their lives affected by the Dyne Creek for over a century, enjoying the aesthetic, recreational, agricultural and economic virtues of the creek and enduring the stream's destructive and fatal forces; and

WHEREAS, the residents of this area have actively participated in the development, promotion and expansion of the Dyne Creek Watershed Conservancy and have directed a land acquisition project to construct a proposed 127 acre reservoir to provide municipal and industrial water; and

WHEREAS, this legislative body has determined that this community, whose daily life since the days of Creek Indians and pioneer forefathers has been intertwined with Dyne Creek, should bear the name of said geographical feature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the geographical area near a certain portion of Cleburne County Highway Number 19 approximately 7 miles south of Heflin bounded on the North by Beasons Mill, Northwest by Greens Chapel Community and Southeast by Teagues Mill, situated, lying, and being in Section 12 and Section 13, Township 17 South, Range 10 East, in Cleburne County, Alabama, is hereby declared and designated the "Dyne Creek Community."

RESOLVED FURTHER, That a copy of this resolution be presented to the Calhoun-Cleburne Regional Library for appropriate public display.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Dial, Dixon, Bailey, Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 22. CREATING A COMMITTEE TO STUDY AND**

PROVIDE FOR THE ERECTION OF A VIETNAM VETERANS MONUMENT ON THE STATE CAPITOL GROUNDS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Vietnam Veterans Monument Study Committee. The committee shall be composed of two state senators appointed by the Lieutenant Governor, two members of the House of Representatives appointed by the Speaker of the House, the director of Veterans Affairs, the director of the Historical Commission and the president of the State's Vietnam Veterans Association.

The committee shall study the feasibility of erecting a Vietnam Veterans Monument and the location, cost, and financing of said monument. The committee shall adopt a design for the monument. The committee shall be authorized to establish a method for the submission and acceptance of private, tax free donations to be used solely for the cost of erecting said monument.

The committee shall meet as soon after their appointment as practicable and choose one of their members as chairman and another as vice-chairman.

Upon request of the chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. The committee shall remain in effect until said monument is in place and all costs are paid. Committee members shall not receive any compensation or expenses for their services.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

**HJR 64. RELATIVE TO MEETING DAYS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, April 18, 1991, they adjourn to meet again on Tuesday, April 23, 1991.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Floyd, the Resolution, HJR 64, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### ELECTION OF MEMBERS TO BUILDING COMMISSION

The Senate proceeded to the election of Senate members to the Building Commission.

Senator Dial nominated Senators Lindsey, Denton, Dixon, and Mitchem.

On motion of Senator Dial, Senator Lindsey was elected as a member of the Building Commission.

Yeas 32 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (J), Waggoner, Wilson, and Windom

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Nays:

- 0

On motion of Senator Dial, Senator Denton was elected as a member of the Building Commission.

Yeas 32 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (J), Waggoner,

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Wilson, and Windom -32

Nays: - 0

On motion of Senator Dial, Senator Dixon was elected as a member of the Building Commission.

Yeas 32 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (J), Waggoner, Wilson, and Windom -32

Nays: - 0

On motion of Senator Dial, Senator Mitchem was elected as a member of the Building Commission.

Yeas 32 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (J), Waggoner, Wilson, and Windom -32

Nays: - 0

**ELECTION OF MEMBERS TO LEGISLATIVE COMMITTEE ON  
EXAMINERS OF PUBLIC ACCOUNTS**

The Senate then proceeded to the election of Senate members to the Legislative Committee on Examiners of Public Accounts.

Senator Bailey nominated Senators Bennett, Ellis, Ghee, Parsons, and Campbell.

On motion of Senator Bailey, Senator Bennett was elected as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Waggoner, Wilson, and Windom -26

Nays: - 0

On motion of Senator Bailey, Senator Ellis was elected as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Waggoner, Wilson, and Windom -26

Nays: - 0

On motion of Senator Bailey, Senator Ghee was elected as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Waggoner, Wilson, and Windom -26

Nays: - 0

On motion of Senator Bailey, Senator Parsons was elected as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Waggoner, Wilson, and Windom -26



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Nays: - 0

On motion of Senator Bailey, Senator Campbell was elected as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Waggoner, Wilson, and Windom -26

Nays: - 0

**ELECTION OF MEMBERS TO  
ALABAMA SUNSET REVIEW COMMITTEE**

The Senate then proceeded to the election of Senate members to the Alabama Sunset Review Committee.

Senator Ghee nominated Senators Bedsole, Bailey, and Bolling.

On motion of Senator Ghee, Senator Bedsole was elected as a member of the Alabama Sunset Review Committee.

Yeas 32 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (J), Waggoner, Wilson, and Windom -32

Nays: - 0

On motion of Senator Ghee, Senator Bailey was elected as a member of the Alabama Sunset Review Committee.

Yeas 32 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett,

deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (J), Waggoner, Wilson, and Windom -32

Nays: - 0

On motion of Senator Ghee, Senator Bolling was elected as a member of the Alabama Sunset Review Committee.

Yeas 32 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (J), Waggoner, Wilson, and Windom -32

Nays: - 0

### RESOLUTIONS

Senator Smith (J) requested and received permission to suspend the Rules to offer the following Senate Resolutions to-wit:

**SR 23. MOURNING THE DEATH OF HALL B. BRYANT OF HUNTSVILLE, ALABAMA.**

Also:

**SR 24. RECOGNIZING BOB JONES HIGH SCHOOL, MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.**

Which were filed.

Senators Smith (J), Barron, and Hale requested and received permission to suspend the Rules to offer the following Senate Resolution, to-wit:

**SR 25. MOURNING THE DEATH OF JAMES N. WILBOURN, III, OF HUNTSVILLE, ALABAMA.**

Which was filed.

Senator Smith (J) requested and received permission to suspend the Rules to offer the following Senate Resolution, to-wit:

**SR 26. CONGRATULATING HERSCHEL D. JORDAN OF MADISON, ALABAMA, RECENT RECIPIENT OF OPTIMIST CLUB RECOGNITION.**

Which was filed.

### **REPORTS OF COMMITTEES**

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Substitute):

**S. 63.** To amend Sections 28-3A-12, 28-3A-19, 28-3A-20, and 28-3A-25, Code of Alabama 1975, relating to the sale of alcoholic beverages, so as to delete the prohibition of Sunday sales.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom:

**S. 149.** To require proof of minimum insurance coverage prior to the licensing of motor vehicles; to provide penalties for failure to show proof of the required minimum insurance; and to provide the procedure upon notice of insurance cancellation.

By Senators Windom and Bedsole:

**S. 78.** Relating to motor vehicle insurance policies issued in Alabama to provide for mandatory premium reductions for the liability, personal injury protection and collision coverages for certain age groups under certain conditions.

By Senator Windom:

**S. 37.** Relating to the administration of fiduciary accounts by

duly authorized banks and trust companies by requiring timely investment of idle funds, by setting a quality standard, requiring a reasonable rate of return, providing for compensation and providing for the application of this act to fiduciary accounts now existing or hereafter created.

By Senators Corbett and Windom:

**S. 43.** To amend section 5-13A-3, Code of Alabama 1975, relating to the acquisition of an Alabama bank holding company or an Alabama bank by a regional bank holding company, so as to provide further for any such acquisition.

By Senator Windom:

**S. 86.** Relating to motor vehicles so as to provide that a transaction does not create a sale or security interest merely because the transaction provides that the rental price may be adjusted by reference to the amount realized upon sale or other disposition of the motor vehicle; to provide for severability of the provisions of this act; to provide for repeal of conflicting laws; and to provide for an effective date.

By Senator deGraffenried:

**S. 135.** To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, so as to permit municipal and county funds to be invested in certain open-end or closed-end investment trusts which are invested in direct obligations of the United States of America or repurchase agreements respecting such U. S. obligations.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Little:

**S. 112.** To amend Section 22-14-5, Code of Alabama 1975, which provides for the members of the radiation advisory board of health, so as to include a veterinarian on the board.

By Senators Ghee, Mitchell, Dixon, Dial, Hilliard, Bolling, and Lipscomb:

**S. 110.** To amend Section 34-24-80 and Section 34-24-83, Code of Alabama 1975, relating to the evaluation by the State Board of Medical Examiners of Colleges of Medicine located outside of the United States and the District of Columbia, so as to provide further for such evaluation and the licensing of graduates of such schools.

By Senators Smith (J), Bolling, Ghee, Hale, and Mitchell:

**S. 79.** To establish the requirements for informed consent for HIV testing; to provide that informed consent shall be implied under certain stated factual circumstances; to provide for counseling, referral to appropriate health care services, and explanation of individual responsibility shall be provided to any individual testing positive for HIV; and to provide for the confidentiality of HIV test results.

By Senators Bolling, Ghee, Hale, Dixon, Owens, Amari, Bailey, Waggoner, Bedsole, Dial, Smith (J), Denton, Campbell, Mitchell, Little, Ellis, deGraffenried, Floyd, Preuitt, and Smith (B):

**S. 47.** To amend Sections 27-26-5 and 34-24-56, Code of Alabama 1975, relating to the reporting of medical malpractice judgments and settlements, so as to provide further for the reporting of judgments and settlements entered against professional corporations.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Little:

**S. 117.** To authorize municipalities to contract with utility companies to collect utility bill payments.

By Senator Denton:

**S. 40.** To authorize municipalities and counties to provide assistance to the governing body of any other municipality or county when such municipality or county has been declared a disaster area by the Governor of the State of Alabama or by the President of the United

States, and provides a procedure by which such assistance may be implemented.

By Senator Denton:

**S. 21.** Proposing an amendment to the Constitution of Alabama of 1901, authorizing the tax assessors, tax collectors, revenue commissioners, license commissioners and other ad valorem tax officials in the various counties of this state to elect to participate in the state employees' retirement system or the county retirement system, if available; providing for an election between the state employees' retirement system and a county retirement system; prohibiting future officials taking office for the first time after the effective date of this amendment from participating in the supernumerary program provided by Title 40, Chapter 6, Code of Alabama 1975; and providing that such officials presently participating in the supernumerary program may continue therein.

The above Bill was read a second time at length as required by the Constitution.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis:

**S. 1.** To amend Section 9-11-51, Code of Alabama 1975, which prohibits hunting without a license, so as to provide further for the penalty imposed on nonresidents who hunt without licenses.

By Senator Bedsole:

**S. 27.** To amend Section 33-4-38, Code of Alabama 1975, which provides for the levy, payment and disposition of ship pilot's license tax, so as to increase the amount thereof.

By Senator Corbett:

**S. 44.** To provide for the hunting of game and unprotected wildlife with a cross bow upon certification by a physician that a person is handicapped.

By Senator Bedsole:

**S. 85.** To amend Sections 32-6-270 and 32-6-272 of the Code of Alabama 1975, so as to further define the term "Fire Fighter" and provide for their distinctive motor vehicle license plates.

By Senator Windom:

**S. 100.** To amend Section 9-12-113 of the Code of Alabama 1975, relating to the licenses for use of nets and seines, so as to further regulate the issuance of said licenses.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Hale:

**S. 150.** To amend Section 34-24-160, Code of Alabama 1975, relating to applications to practice chiropractic, so as to provide further for said applications.

Committee on Judiciary/Civil

By Senator Mitchell:

**S. 151.** To amend Section 1-3-8 of the Code of Alabama 1975, relating to the legal holidays in this state, so as to provide further for such holidays; and to provide for personal leave days for state employees in lieu of certain holidays.

Committee on Governmental  
Affairs/State Administration

By Senator Lindsey:

**S. 152.** To amend Section 36-26-36.1 of the Code of Alabama 1975, relating to sick leave for state employees and teachers so as to provide further for the accumulation and use of such sick leave in determining years of creditable service in the employees' or teachers' retirement system of Alabama.

Committee on Governmental  
Affairs/State Administration

By Senator Hale:

**S. 153.** To amend Section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit certain public corporations and certain waterworks systems from so acquiring or duplicating such services.

Committee on Governmental  
Affairs/Local Government

By Senator Amari:

**S. 154.** To amend section 12-15-1, Code of Alabama 1975, which relates to juvenile proceedings, so as to further define "delinquent act."

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senators Bolling, Denton, Mitchell, Campbell, Dial, Bennett, Bedsole, Owens, Waggoner, Hale, Lipscomb, and Mitchem:

**S. 155.** To provide that the Department of Public Safety shall suspend the driver's license of any person convicted or adjudicated of violating Sections 13A-12-202, 13A-12-203, 13A-12-204, 13A-12-211, 13A-12-212, 13A-12-213, 13A-12-214, 13A-12-215, or 13A-12-231, Code of Alabama 1975.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Bolling (With Notice and Proof):

**S. 156.** Relating to Lamar County; and to repeal Act No. 81-629, H. 873, 1981 Regular Session (1981 Acts, p. 1046) entitled, "an act relating to Lamar County; to establish a special fund in the county treasury to pay a bounty on beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system."

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 156, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.



By Senator Owens:

**S. 157.** To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975, which provides for the per diem allowance and mileage allowance for persons traveling on state business, so as to increase such allowances.

Committee on Finance  
and Taxation

By Senators Owens, Campbell, Lipscomb, Waggoner, Hale, Ellis, Windom, Foshee, Preuit, and Mitchem:

**S. 158.** To amend Sections 13A-9-13.1, 13A-9-13.2, 8-8-15 and 12-17-224, Code of Alabama 1975, which relate to restitution for the negotiation of a worthless check or other negotiable instrument; so as to increase the service charge on such worthless checks or instruments.

Committee on Banking  
and Insurance

By Senator Hale:

**S. 159.** Providing that certain members of the retirement systems of Alabama may purchase credit for certain previous service, not to exceed eight years service, rendered to a county as a county solicitor and prescribing certain conditions for purchasing such credit.

Committee on Governmental  
Affairs/Local Government

By Senators Windom, Bennett, Wilson, Bedsole, Smith (J), Sanders, Ghee, Bolling, Lindsey, Parsons, deGraffenried, Horn, Waggoner, Corbett, Foshee, Hale, and Amari:

**S. 160.** To provide an 18.8% increase in judicial retirement benefits beginning in October of 1991, for those retired district judges who assumed the office of district judge prior to July 30, 1979, and who retired before October 1, 1991; to provide that the board of control of the employees' retirement system shall compute the costs required and provide for payment of such amounts from the judicial retirement fund; to provide for an appropriation from the state general fund to cover the cost of the increase in benefits; to provide that this act shall supersede any inconsistent and conflicting laws; to provide that the increase shall

not increase any local supplement or retirement benefits for retired district judges unless approved by the county commission affected; and to provide for an effective date.

Committee on Finance  
and Taxation

By Senator Langford:

**S. 161.** To amend Act No. 90-624, H. 570, 1990 Regular Session, codified as Section 36-29-14, Code of Alabama 1975, which provides the procedure for officers, employees and retirees of certain cities, towns, fire districts, water and fire authority districts and the Alabama League of Municipalities to be covered under the state employees' health insurance plan, so as to provide that coverage and benefits do not have to be the same as those of state employees.

Committee on Governmental  
Affairs/Local Government

By Senators Corbett, Amari, and Campbell:

**S. 162.** To amend Act No. 90-650, S. 62, 1990 Regular Session, which establishes the Economic Development Revolving Loan Funds, so as to provide further for the compensation of the members of the committee and to provide that appropriations made pursuant to the act shall not revert into the general fund at the end of the fiscal year.

Committee on Economic Affairs

By Senators Mitchell and Bennett:

**S. 163.** To grant certain rights to public school employees pertaining to their own personnel records, and to establish other regulations regarding said records.

Committee on Public Welfare

By Senator Little:

**S. 164.** To amend Act No. 90-624, H. 570, 1990 Regular Session, codified as Section 36-29-14, Code of Alabama 1975, which provides the procedure for officers, employees and retirees of certain cities, towns, fire districts, water and fire authority districts and the Alabama League of Municipalities to be covered under the state

employees' health insurance plan, so as to include employees of regional planning and development commissions within the coverage.

Committee on Governmental  
Affairs/Local Government

By Senator Hale:

**S. 165.** To authorize the State Industrial Development Authority to sell and issue, from time to time, up to \$100,000,000 in principal amount of its bonds in addition to those heretofore authorized to be issued by it, provided not more than \$10,000,000 in aggregate amount shall be issued in any two-year period and not more than \$40,000,000 in aggregate principal amount shall be outstanding at any one time; to expand certain powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to certain grantees, subject to certain limitations, for the purpose of paying costs of preparation of sites for use by certain enterprises; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Committee on Industrial  
Development and Expansion

By Senator Little:

**S. 166.** To repeal Section 32-7-39, Code of Alabama 1975, relating to the expenses of administering Motor Vehicle Safety-Responsibility Act.

Committee on Banking  
and Insurance

By Senator Little:

**S. 167.** To amend Section 32-7-22, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, so as to increase the motor vehicle liability policy from its present limits.

Committee on Banking  
and Insurance

By Senator Little:

**S. 168.** To amend Section 32-7-27, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, so as to increase the proof of financial responsibility from \$11,000.00 to \$50,000.00.

Committee on Banking  
and Insurance

By Senator Denton:

**S. 169.** To authorize county commissions to establish relief funds for the benefit of certain retired sheriffs.

Committee on Governmental  
Affairs/Local Government

By Senator Foshee:

**S. 170.** To authorize the Alabama state employees association and the Alabama state employees credit union to participate in the state employees liability insurance fund and the state insurance fund.

Committee on Governmental  
Affairs/State Administration

By Senator Foshee:

**S. 171.** Relating to the fee to be charged by probate judges; to amend Section 12-19-90 of the Code of Alabama 1975, to remove the requirement to charge a fee for celebrating the rites of matrimony.

Committee on Governmental  
Affairs/Local Government

By Senators Bedsole and Ellis:

**S. 172.** To amend Section 12-15-34, Code of Alabama 1975, relating to the transfer of cases from juvenile court to criminal court, so

as to provide further for such transfer.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Ellis:

**S. 173.** To make an appropriation from the state general fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator deGraffenried:

**S. 174.** To amend Section 15-18-8, Code of Alabama 1975, so as to provide that commitment of a convicted defendant to a mental health facility shall be for appropriate clinical purposes only and shall be based on a finding by the court that the defendant meets the criteria for involuntary civil commitment in the state of Alabama.

Committee on Public Welfare

By Senator Denton:

**S. 175.** To amend Section 13A-5-40, Code of Alabama 1975, which provides for capital offenses, so as to include murder committed while trafficking in controlled substances as a capital offense.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Hale:

**S. 176.** To amend section 38-2-6, Code of Alabama 1975, relating to the duties, powers and responsibilities of the Alabama state department of human resources, so as to provide for establishing rules and standards for inspection and approval of adult foster care homes and adult day care centers and homes.

Committee on Health

By Senator deGraffenried:

**S. 177.** To amend section 31-2-13, Code of Alabama 1975, relating to paid leave of absence for military duty for up to 21 working days per year, so as to authorize public and private employers to extend

paid leave and benefits for its employees beyond said 21 day limit, and to retroactively validate and authorize any such action taken by an employer on or after October 1, 1990, by making the effective date of this act retroactive to October 1, 1990.

Committee on Public Welfare

By Senator Ellis:

**S. 178.** To propose an amendment to the Constitution to provide that no bond, warrant or any other obligation of any county shall be considered a bond for the purposes of Section 222 of the Constitution of Alabama of 1901, as amended, nor shall any bond, warrant or any other obligation of any county be included in the indebtedness of such county within the meaning of any provision of Section 224 of the Constitution of Alabama of 1901, as amended, if any such bond, warrant or other obligation is issued to provide, improve or repair any public facilities or improvements (including, without limitation, roads, streets, sidewalks, sanitary sewers, storm water sewers, sewage treatment facilities, flood control facilities, seawalls, and lighting systems) specially benefiting, to any degree, one or more tracts or parcels of property if the cost of such public facilities or improvements is to be assessed, in whole or in part, against such property.

Committee on Governmental  
Affairs/Local Government

The above Bill was read a first time at length as required by the Constitution.

By Senator deGraffenried:

**S. 179.** To amend Section 36-7-21 of the Code of Alabama 1975, relating to allowances for persons traveling outside the state of Alabama, so as to permit the employing agency to elect to advance direct payments to third parties of travel and travel-related expenses for authorized travel out of state.

Committee on Public Welfare

By Senator Windom:

**S. 180.** To propose that those responsible for criminal activity may, when they have the financial ability to do so, be required by the court to make payments to a local crime stoppers program to help pay

for crime stoppers' rewards.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Little:

**S. 181.** To amend Section 32-7-8, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, so as to change the time of suspension of driver's licenses from one year to two years and the elapsed time when such security was required from one year to two years.

Committee on Banking  
and Insurance

By Senator Little:

**S. 182.** To amend Section 32-7-2, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, so as to increase the proof of financial responsibility.

Committee on Banking  
and Insurance

By Senators Amari, Bennett, Hale, Waggoner, deGraffenried, Denton, Parsons, Ellis, Bedsole, Floyd, and Wilson:

**S. 183.** To provide for the college tuition of certain students in financial need to be paid by the state; to provide eligibility requirements for such payment; and to provide for the funding and implementation of the program.

Committee on Finance  
and Taxation

By Senators Foshee, Campbell, and Corbett:

**S. 184.** To amend Section 25-4-72, Code of Alabama 1975, as amended, relating to unemployment compensation weekly benefit, so as to increase the maximum of such benefit.

Committee on Business and Labor  
Relations

By Senators Lindsey, Ellis, Hale, and Bolling:

**S. 185.** To repeal Sections 16-9-5, 16-9-6 and 16-9-7 of the Code of Alabama 1975, relating to the nomination by political parties, primary election to nominate and instructions on the ballot of county superintendents of education.

Committee on Education

By Senators Waggoner and Bailey:

**S. 186.** To establish early intervention services for infants and toddlers with disabilities and their families; to establish a state interagency coordinating council; to establish the responsibilities of the lead agency and authorize it to implement Part H of Public Law 99-457 in conjunction with the participating agencies and providers; and to provide timetables for implementation of a statewide, comprehensive, interagency, coordinated system of early intervention services.

Committee on Governmental  
Affairs/State Administration

By Senator Foshee:

**S. 187.** To amend Sections 27-40-1, 27-40-9, 27-40-12, and 27-40-15, Code of Alabama 1975, and to repeal Section 27-40-16 of the Code of Alabama 1975, relating to insurance premium finance companies so as to provide further for the regulation of such companies; to delete certain references to and authorization for designated agents; to provide for a maximum service charge; to require premium finance agreements to contain certain information; to substantially alter the procedure for return of gross unearned premiums upon cancellation of the insurance contract; to provide for time limits for the return of unearned premiums and to provide where the amount of premium financed shall be sent.

Committee on Banking  
and Insurance

By Senator deGraffenried:

**S. 188.** To establish the Alabama Experimental Program to Stimulate Competitive Research, states the program's goals and objectives, creates a governing board, enumerates its powers and



designates a fiscal agent.

Committee on Industrial  
Development and Expansion

By Senator Hale:

**S. 189.** To provide authority for the department of corrections to make disposition of funds deserted by inmates or their families or designated beneficiary or personal representatives due to escape, parole, release, death or execution; to provide for the time at which such funds are deemed deserted; and to provide that such deserted funds shall escheat to the State of Alabama, department of corrections; and to continuously appropriate such escheated funds to the department of corrections operating funds for current use.

Committee on Judiciary/Civil

By Senator Bailey:

**S. 190.** To amend Sections 44-1-73 and 44-1-75, Code of Alabama 1975, as amended, relating to funding and salary schedules for teachers, leaves and benefits at the department of youth services, so as to permit the youth services department to provide education in juvenile detention facilities; and to name such district.

Committee on Governmental  
Affairs/State Administration

By Senator Foshee:

**S. 191.** To amend Sections 12-17-220 and 36-26-10, Code of Alabama 1975, relating to certain employees within the district attorneys' offices and the State Merit System, so as to provide that assistant district attorneys, investigators, clerical, secretarial and other personnel employed in a district attorney's office serve at the pleasure of the district attorney and are in the exempt service of the state and to provide for its retroactive effect.

Committee on Governmental  
Affairs/Local Government

By Senators Preuitt, Foshee, Owens, Floyd, Ghee, Ellis, Bedsole, Campbell, Dial, deGraffenried, and Barron:

**S. 192.** To amend Section 32-5-76, Code of Alabama 1975,

relating to spilling of loads on to highways, so as to prohibit persons hauling uncovered garbage, paper or litter.

Committee on Commerce,  
Transportation, and Utilities

By Senators Little, Hale, Dial, Barron, Langford, Foshee, Preuitt, Mitchell, Owens, Waggoner, Bedsole, Bailey, Amari, Windom, Bennett, Parsons, Denton, Bolling, Wilson, Lindsey, Horn, Floyd, Ellis, Ghee, and Smith (J):

**S. 193.** To authorize football coaches of public, four-year institutions of higher learning in this state to participate in the American Football Coaches Retirement Trust 401(k) plan.

Committee on Finance  
and Taxation

By Senators Waggoner and Amari:

**S. 194.** To amend Section 16-13-51, Code of Alabama 1975, relating to the apportionment of minimum program funds to be paid to county and city boards of education for the purpose of providing transportation to students, so as to permit the State Superintendent of Education to make exception to the two mile distance requirement to schools under certain conditions.

Committee on Education

By Senator Mitchell:

**S. 195.** To amend Section 36-21-8, Code of Alabama 1975, relating to certain law enforcement officers retaining their badge and pistol as part of retirement benefits, to include certain law enforcement officers who are employees of the state forestry commission.

Committee on Agriculture,  
Conservation, and Forestry

By Senators Foshee, Amari, Bailey, Sanders, Denton, Hale, Hilliard, Horn, Langford, Bennett, Wilson, Bolling, Parsons, Owens, Bedsole, Dial, deGraffenried, Mitchem, Waggoner, Floyd, Smith (J), and Lindsey:

**S. 196.** To amend Section 32-5-313, Code of Alabama 1975,

which relates to traffic infraction penalties used to fund the driver education and training fund, so as to provide further for the penalties and for distribution of the revenues collected.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senators Bailey, Dial, Floyd, Waggoner, Windom, Preuit, Foshee, Lindsey, Little, Parsons, Bennett, Owens, Barron, and Horn:

**S. 197.** To establish an Act relating to preschool special education services for children with disabilities, ages 3 through 5 years, inclusive; to provide a free appropriate public education for preschool children with disabilities, ages 3 through 5 years, inclusive, in accordance with the Individuals with Disabilities Education Act, previously known as the "Education of the Handicapped Act," Public Law 91-230 and all amendments thereto.

Committee on Finance  
and Taxation

By Senators Dial and Hale:

**S. 198.** To require that the State Board of Pharmacy establish and periodically update a published list of precursor chemicals which are essential to the manufacture of unlawful controlled substances; to establish an interim list of such chemicals; to enact registration, reporting, and record-keeping requirements for individuals who manufacture, buy, sell, transfer, transport, receive, possess, or otherwise furnish such listed precursor chemicals, under the direction and supervision of the Board of Pharmacy; to make unlawful the possession of listed precursor chemicals with knowledge or intent that the same will be used in the unlawful manufacture of controlled substances; to empower the Board of Pharmacy to adopt reasonable rules and regulations to effect the purposes of the act, and to charge reasonable fees for the registration of listed precursor chemical transactions; and to provide penalties for violation of the act.

Committee on Energy and  
Natural Resources

By Senators Bailey, Parsons, Denton, Bolling, Wilson, Ellis, Mitchem, Mitchell, Campbell, Langford, Dial, Hale, Little, and Owens:

**S. 199.** To provide for counselling and therapy for sworn law

enforcement officers in the State of Alabama who suffer from stress of any nature as a result of any work-related trauma; and to provide that such counselling and therapy be provided under the terms of the mental health services contracts between the Alabama Department of Mental Health and Mental Retardation and community programs.

Committee on Governmental  
Affairs/Local Government

By Senators Dial, Mitchem, Bolling, Denton, Little, Owens, Ellis, Hale, Corbett, Waggoner, Bedsole, Hilliard, Horn, Parsons, deGraffenried, Preuit, Bailey, Langford, Bennett, Dixon, Floyd, Barron, Campbell, Mitchell, Lindsey, Lipscomb, Windom, Wilson, Amari, and Ghee:

**S. 200.** To provide for certain governmental agencies to compensate those government employees who participated in Operation Desert Shield/Operation Desert Storm.

Committee on Public Welfare

By Senators Mitchell, Denton, Dial, Amari, Little, Smith (J), Wilson, and Corbett:

**S. 201.** To amend Section 27-21A-23 of the Code of Alabama 1975, relating to statutory construction and relationship of certain insurance laws as they relate to health maintenance organizations, so as to provide further for such construction and legal relationship.

Committee on Health

By Senators Dial and Bedsole:

**S. 202.** To amend Sections 9-13-11 and 9-13-12, Code of Alabama 1975, which relate to willful or malicious burning of woodlands and liability for refusal to extinguish uncontrolled fires, so as to provide further for said crime and liability.

Committee on Agriculture,  
Conservation, and Forestry

By Senators Mitchell, Bedsole, Bolling, Lipscomb, Denton, Lindsey, Foshee, Sanders, and Bailey:

**S. 203.** To address the nursing shortage affecting the Alabama

Department of Public Health in rural areas by providing for loans for books, tuitions, fees, and other educationally-related expenses incurred by employees of the Alabama Department of Public Health attending nursing school on a part-time or full-time basis; to require such loan recipients to enter into a contract committing them to work as nurses full-time for the health department or for a federally-funded community health center in a rural area or underserved area of the state for at least four years; to provide for forgiveness of such loans for recipients who serve the health department in rural or underserved areas; to provide civil penalties for loan recipients who fail to honor the contract; to provide for full-time or part-time employment for such recipients while attending school.

Committee on Finance  
and Taxation

By Senators Parsons, Bennett, Amari, Little, Floyd, Windom, Lindsey, Horn, Mitchem, Dial, Bailey, Ellis, and Smith (J):

**S. 204.** To be known as the Sunshine In Litigation Act of 1991; to provide definitions; to provide that a court may not enter a judgment which conceals a public hazard; to provide that certain contracts or agreements are void; to provide standing for certain persons; and to provide for an action for declaratory judgment.

Committee on Business and  
Labor Relations

By Senator Horn:

**S. 205.** To amend Code of Alabama, 1975, Sections 41-4-82 and 41-19-7 to require that the Governor shall submit his budget proposals to the Legislature 30 days prior to the beginning of each Regular Session of the Legislature and to repeal Sections 41-4-87 and 41-4-88 of the Code of Alabama, 1975.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 206.** To propose an amendment to the Constitution of Alabama of 1901 which repeals Amendment 448 relating to budget isolation.

Committee on Finance  
and Taxation

The above Bill was read a first time at length as required by the Constitution.

By Senator Horn:

**S. 207.** To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended; providing that the Legislature may make appropriations from state funds for expenses of the executive, legislative and judicial functions of state government and for general public educational purposes in one or more general appropriation bills; also, providing that the Legislature may make appropriations from state funds to non-state agencies in one or more appropriation bills designated for such purpose.

Committee on Finance  
and Taxation

The above Bill was read a first time at length as required by the Constitution.

By Senator Horn:

**S. 208.** To amend Section 1-3-4, Code of Alabama, 1975, which provides for the definition of the fiscal year for the state, so as to change the date of said fiscal year; to provide for a nine-month implementation fiscal year from October 1, 1991 through June 30, 1992; to authorize the Governor to promulgate procedures he deems necessary to implement the provisions of this act; to provide that all appropriations made for the term that is the current lawful fiscal year 1991-92 shall be allotted to conform with the nine-month implementation fiscal year and the first quarter of the 1992-93 fiscal year; to provide that all sum certain distributions of tax revenue shall be made at 75% of the sum certain amounts during the implementation fiscal year; and to authorize conformity of dates with the new fiscal year as provided herein with the Code of Alabama, 1975.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 209.** To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1992.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 210.** To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1992.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 211.** To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 212.** To make legislative findings and declarations concerning the meaning of the terms "educational purpose" or "educational purposes" as used in statutes and revenue acts earmarking funds for the Alabama Special Educational Trust Fund (ASETF) and to make an appropriation from the Alabama Special Educational Trust Fund to the Legislative Reference Service for the fiscal year ending September 30, 1992, for educational purposes.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 213.** To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1992 for educational purposes.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 214.** To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1992, and to require an operations plan and audited

financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 215.** To make an appropriation from the State General Fund to the Fort Payne Depot for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 216.** To make an appropriation from the State General Fund to the Alabama Council for Parenting and Protecting Children, Inc. for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 217.** To make an appropriation for the support and maintenance of the Coosa Valley Medical Center School of Nursing for the fiscal year ending September 30, 1992.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 218.** To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Association for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 219.** To make an appropriation from the State General Fund to the St. Clair Historical Society for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial



statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 220.** To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1992, and to require an operations plan prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 221.** To make an appropriation for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1992.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 222.** To make a conditional appropriation from the State General Fund for the sum of One million dollars (\$1,000,000) to the Department of Conservation and Natural Resources for the Forever Wild Program for the fiscal year ending September 30, 1992.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 223.** To make a conditional appropriation from the State General Fund to the Alabama Department of Industrial Relations for the sum of Eighty-one thousand five hundred dollars (\$81,500) for the fiscal year ending September 30, 1991.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 224.** To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year 1991-92 and to require an operations plan

and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 225.** To make legislative findings and declarations concerning the meaning of the terms "educational purpose" or "educational purposes" as used in statutes and revenue acts earmarking funds for the Alabama Special Educational Trust Fund (ASETF) and to make an appropriation from the Alabama Special Educational Trust Fund to the Legislature for the fiscal year ending September 30, 1992, for educational purposes.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 226.** To make an appropriation from the State General Fund to the Alabama's Young Woman of the Year for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 227.** To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 228.** To make an appropriation from the State General Fund to the Dothan Landmarks Foundation for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 229.** To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 230.** To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama, the United Cerebral Palsy Development Center for East Central Alabama, the Simpson-May Cerebral Palsy Center and the Cerebral Palsy Housing Foundation for the fiscal year 1991-92, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 231.** To make an appropriation from the State General Fund to the Choctawhatchee-Pea River Conservancy for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 232.** To make an appropriation from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year 1991-92 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 233.** To make an appropriation from the State General Fund to the Slocomb Historical Society for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial

statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 234.** To make an appropriation from the State General Fund to the Pea River Historical Society for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 235.** To make an appropriation from the State General Fund to the Civil Air Patrol-Alabama Wing for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 236.** To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 237.** To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1992.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 238.** To make an appropriation to the Department of

Education for the fiscal year ending September 30, 1992.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 239.** To make an appropriation from the State General Fund to the America's Young Woman of the Year for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 240.** To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 241.** To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1992 for educational purposes.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 242.** To make an appropriation to the Project DARE drug education programs for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 243.** To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement

prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 244.** To make an appropriation from the State General Fund to the Samson Historical Society for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 245.** To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1992 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 246.** To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 247.** To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 248.** To amend Act No. 90-556 of the Regular Session, 1990, as it amended Act No. 89-79 of the Regular Session, 1989, as it amended Act No. 88-947 of the 1st Extraordinary Session, 1988, as it

amended Act No. 87-761 of the Regular Session, 1987, as it amended Section 4 of Act No. 86-645 of the 1st Extraordinary Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 249.** To amend Section 2-C-52 of Act 90-764 of the Regular Session, 1990, so as to eliminate the requirement for a transfer to the State General Fund of \$2,000,000 from the Capitol Complex Maintenance and Repair Fund.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 250.** To amend Section 40-21-58, Code of Alabama 1975, to change the payment date from September 25 to August 25 of the license or privilege tax levied upon each person engaged in the telephone business.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 251.** To amend Section 41-4-17, Code of Alabama, 1975, as amended, so as to eliminate the State Capitol building from exception of rent.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 252.** To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1992 and to require an audited financial statement and operations plan prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 253.** To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year 1991-92 and to require an operations plan and audited

financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 254.** To make legislative findings and declarations concerning the meaning of the terms "educational purpose" or "educational purposes" as used in statutes and revenue acts earmarking funds for the Alabama Special Educational Trust Fund (ASETF) and to make an appropriation from the Alabama Special Educational Trust Fund to the Legislative Fiscal Office for the fiscal year ending September 30, 1992, for educational purposes.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 255.** To make an appropriation from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year 1991-92, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 256.** To make an appropriation from the State General Fund to the Child Advocacy Centers for the fiscal year ending September 30, 1992, and to require operations plans and audited financial statements prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 257.** To make an appropriation from the State General Fund to the Pike County Pioneer Museum for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 258.** To make an appropriation from the State General Fund



to the Citronelle Historical Society for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 259.** To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 260.** To make an appropriation from the Alabama Special Educational Trust Fund to the Sickle Cell Education Program for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 261.** To make legislative findings and declarations concerning the meaning of the terms "educational purpose" or "educational purposes" as used in statutes and revenue acts earmarking funds for the Alabama Special Educational Trust Fund (ASETF) and to make an appropriation from the Alabama Special Educational Trust Fund to the Examiners of Public Accounts for the fiscal year ending September 30, 1992, for educational purposes.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 262.** To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 263.** To make an appropriation to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1992.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 264.** To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year 1991-92 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 265.** To make supplemental appropriations to the Alabama Department of Economic and Community Affairs in the amount of Eight hundred forty-four thousand dollars (\$844,000) for the fiscal year ending September 30, 1991.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 266.** To make an appropriation from the State General Fund to the W. C. Handy Property Board for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 267.** To make an appropriation from the State General Fund to the Southern Museum of Flight for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 268.** To make an appropriation from the Alabama Special

Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year 1991-92 and to require an operations plan and audited financial statement prior to release of any funds; to require the condition of the donation of certain student tickets; to require the continuation of student discounts; and to require the reversion of funds appropriated upon certain violations of the provisions of this act.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 269.** To make an appropriation from the State General Fund to the Mountain Lakes Tourist Association for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 270.** To make an appropriation for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1992.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 271.** To make an appropriation for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1992.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 272.** To make an appropriation from the State General Fund to the Lee County Historical Society for the fiscal year ending September 30, 1992 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 273.** To make an appropriation from the State General Fund

to the Blue-Gray Association, Inc. in Montgomery for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 274.** To make an appropriation from the State General Fund to the Helen Keller Property Board for the fiscal year ending September 30, 1992 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 275.** To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 276.** To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1992.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 277.** To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 278.** To make an appropriation for the support and

maintenance of Tuskegee University for the fiscal year ending September 30, 1992.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 279.** To make an appropriation to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1992, and to require an audited financial statement and operations plan prior to release of any funds.

Committee on Finance  
and Taxation

By Senators Lipscomb, Bailey, Amari, Denton, Hale, Dial, Waggoner, Owens, Bolling, and Mitchell:

**S. 280.** To provide for the prohibition of abortions in the state except to save the life of the mother, or in reported cases of specified rape or incest; to provide certain affirmative defenses for rape and incest; to provide that the woman upon whom the abortion is being performed is not subject to criminal penalties; to provide otherwise criminal penalties for the crime of abortion; to provide certain reporting requirements and criminal penalties for failing to report; and to repeal Section 13A-13-7 of the Code of Alabama 1975.

Committee on Health

### ADJOURNMENT

At 1:25 P.M., on motion of Senator Ghee, in accordance with Motion and Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, April 23, 1991, at 2 o'clock P.M.

## **THIRD LEGISLATIVE DAY**

**TUESDAY, APRIL 23, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by Mr. Richard Bailey, Youth Activities, Trinity Presbyterian Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Seth Gowan, Benjamin Russell High School, Alexander City.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Ghee, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

## COMMITTEE REPORT

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

## JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

## LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Dial, Dixon, and Hale for today.

## INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Denton:

**S. 281.** Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1992, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Committee on Finance  
and Taxation

By Senator Windom:

**S. 282.** To create the position of insurance consumer advocate; to provide for the appointment, qualifications, and compensation of the insurance consumer advocate; to provide for annual review by committees of the Senate and the House of Representatives; to restrict a person formerly employed as insurance consumer advocate from direct or indirect employment by an insurance company for a certain time period; to prohibit a person employed as insurance consumer advocate from holding a state or local elected office; to provide penalties; to provide for the powers, duties, and responsibilities of the insurance consumer advocate; to provide for serving notice on the insurance consumer

advocate by the Commissioner of Insurance; and to provide for staff, employees, and the use of technical assistants.

Committee on Consumer Affairs

By Senator Campbell:

**S. 283.** To amend Section 2-5-4, Code of Alabama 1975, relating to the administrator of the farmers' market authority, so as to authorize him to appoint and set the salary of a secretary within or without the merit system.

Committee on Economic Affairs

By Senator Bolling:

**S. 284.** To amend Section 36-21-7, Code of Alabama 1975, which provides for reimbursement of the cost of mandated training to the governmental entity that paid for such training where one governmental entity hires law enforcement officers, fire protection personnel or firefighters employed by another governmental entity within 12 months following completion of said training, so as to increase the 12-month period to 24 months; to require reimbursement of training costs, which are mandated by law or necessary to enable an employee to become certified, to the governmental entity that paid for such training where one governmental entity hires ambulance service operators, ambulance drivers, ambulance attendants, ambulance driver-attendants, emergency medical technicians, or water and wastewater operators employed by another governmental entity within 24 months following completion of said training.

Committee on Finance  
and Taxation

By Senator Bolling:

**S. 285.** To amend the title and section 1 of Act No. 90-281, S. 361, 1990 Regular Session (Acts 1990, p. 355) relating to the financing and construction of public roads and bridges by the issuance of bonds with the proceeds to be used to repair public roads and bridges that were damaged during floods that occurred in February or March, 1990, so as to include the public roads and bridges that were damaged or destroyed during floods that occurred in December, 1990 or January, 1991.

Committee on Finance  
and Taxation



By Senators Mitchem, Barron, Bedsole, Windom, Bailey, Campbell, Preuitt, Bennett, Amari, Dixon, Horn, Langford, Mitchell, Smith (B), Hale, Foshee, Ghee, Parsons, Waggoner, Wilson, and Sanders:

**S. 286.** To provide for registered nurses in the public schools.

Committee on Finance  
and Taxation

By Senator Bedsole:

**S. 287.** To amend the Alabama Juvenile Justice Act, Sections 12-15-1, 12-15-33 and 12-15-65, Code of Alabama 1975, so as to define further the term "Delinquent Act"; to provide further for the transfer of certain cases to the juvenile court from other courts; and to provide further for the proceeding to allow a child to withdraw from school.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Bennett:

**S. 288.** To establish a program of local incentive funding for equity in education, including the establishment of limits in funding amounts, development of a formula for equitable fund distribution on a per-pupil matching basis and places restrictions on the use of funds appropriated to implement this act.

Committee on Finance  
and Taxation

By Senator Owens:

**S. 289.** To amend Sections 11-51-90 and 11-51-93, Code of Alabama 1975, relating to municipal business licenses, so as to increase the fees and to increase the penalty for engaging in a business or vocation without a license.

Committee on Governmental  
Affairs/Local Government

By Senator Owens:

**S. 290.** To create a new circuit judgeship in the nineteenth

judicial circuit and to provide for residency requirements for Judgeship Number 1, Judgeship Number 2 and Judgeship Number 3.

Committee on Judiciary/Civil

By Senator Little:

S. 291. To amend Section 17-22A-18 of the Code of Alabama 1975, a part of the Fair Campaign Practices Act, so as to prohibit a political committee transferring any contribution to any other political committee.

Committee on Judiciary/Civil

By Senator Bennett:

S. 292. To amend Sections 22-24-1, 22-24-4, 22-24-5 and 22-24-8, Code of Alabama 1975, relating to water well standards, so as to provide further for the licensing of well drillers and repeals Section 22-24-12, Code of Alabama 1975, which exempts Baldwin County from the chapter.

Committee on Governmental  
Affairs/Local Government

By Senators Figures, Bedsole, Windom, and Lipscomb (With Notice and Proof):

S. 293. Relating to Mobile County; to amend Sections 1 through 9 of Act No. 974, S. 384, Regular Session 1961 (Acts 1961, p. 1550 et seq.); to confer on the Probate Courts of the county general and equity jurisdiction over certain estates concurrent with that of the Circuit Courts; to provide for the powers and authority of the Probate Judges and Chief Clerks of such Probate Courts; and to provide for the pleading and procedure in such estates, the enforcement of orders, judgments and decrees and appeals of same.

Committee on Local  
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 293, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Floyd (With Notice and Proof):

**S. 294.** Relating to Etowah County, to provide that the county commission shall have the power to levy and collect additional license or privilege fees upon persons engaging in businesses within the county and to provide for the disposition of the proceeds of such taxes.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 294, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Floyd (With Notice and Proof):

**S. 295.** Relating to Etowah County, authorizing the county governing body to reimburse the tax assessor, tax collector, probate judge and revenue commissioner for losses incurred from certain worthless checks and other instruments; to require said officials insure their employees exercise due care and attempt to collect all funds due; and to provide retroactive effect.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 295, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bolling:

**S. 296.** To amend Section 11-50-393 of the Code of Alabama 1975, relating to boards of directors of gas districts, so as to provide further for fees of such directors.

Committee on Energy  
and Natural Resources

By Senator Bennett:

**S. 297.** To amend Section 13A-7-29 of the Code of Alabama

1975, relating to the crime of criminal littering so as to provide further for punishment.

Committee on Judiciary/Civil

By Senator Bennett:

**S. 298.** To exempt the Operation School Bell of the Assistance League of Birmingham from the payment of all state, county and municipal sales and use taxes.

Committee on Finance  
and Taxation

By Senators Parsons, Bailey, Langford, Denton, Smith (J), Mitchem, Amari, Horn, and Bedsole:

**S. 299.** Relating to law enforcement officers; defines certain terms; provides for establishing professional standards relative to due process and rights of said officers during agency investigations.

Committee on Judiciary/Civil

By Senator Floyd:

**S. 300.** To provide that probate record files be consolidated into one well-bound record book.

Committee on Governmental  
Affairs/Local Government

By Senator Bennett:

**S. 301.** To amend Sections 22-25-1, 22-25-2, 22-25-7, 22-25-9 and 22-25-11, Code of Alabama 1975, which provide for Water and Wastewater Systems and Treatment Plants, so as to clarify certain definitions; to include wastewater collection systems within the provisions of the chapter; to provide further for the certification and discipline of operators; and to provide further for violations of chapter 25, Title 22.

Committee on Energy  
and Natural Resources

By Senator Bennett:

**S. 302.** To create the Catastrophic Trust Fund for Special

Education to be administered by the State Department of Education for the purpose of assisting local education agencies in providing special education services to children in catastrophic cases.

Committee on Education

By Senators Foshee, Waggoner, Amari, and Preuitt:

**S. 303.** To amend Section 27-30-34, Code of Alabama 1975, to require the use of currently approved actuarial tables for establishing reserves for policies and contracts of insurance issued by mutual aid associations, either before or after the effective date of this act, when such policies or contracts of insurance are in conformity with the provisions of the Alabama Standard Valuation Law and the Alabama Standard Non-Forfeiture Law for domestic life insurers.

Committee on Banking  
and Insurance

By Senators Foshee, Denton, Corbett, Windom, Bailey, Hale, Horn, deGraffenried, Bennett, Parsons, Ellis, Smith (J), Hilliard, Lindsey, Bolling, Mitchem, Preuitt, and Floyd:

**S. 304.** To amend Section 12-17-81, Code of Alabama 1975, relating to salaries of the circuit clerks of this state; to provide that the salaries of circuit clerks shall be a proportionate amount of the circuit judges' salaries as was in effect October 1, 1977; and to provide an effective date of October 1, 1992 for the provisions of this act.

Committee on Finance  
and Taxation

By Senator Foshee:

**S. 305.** To amend Section 27-30-34 of the Code of Alabama 1975, relating to provision of domestic life and disability insurance pursuant to chapter 3 so as to authorize the calculation of reserve liabilities for all policies issued by mutual aid associations, to provide for the methodology used to calculate the reserve liabilities provided for in Section 27-36-7 of the Code of Alabama 1975, and to provide for limitations.

Committee on Banking  
and Insurance

By Senators Lindsey, Wilson, Floyd, Ellis, Parsons, and Windom:

**S. 306.** To permit a domestic limited partnership to merge with one or more domestic limited partnerships, corporations or certain other business entities; to provide for the requirements, effects and procedures of merging said entities; to provide for certain filings and reports and the contents and effect of said filings and reports; to provide for service of process; and to provide for the vesting of certain rights, privileges, powers, property, liabilities and duties.

Committee on Energy  
and Natural Resources

By Senator Foshee:

**S. 307.** To provide for an exemption from taxation for contractors performing public works contracts for payment of any additional sales and use taxes incurred as a result of increases in the rate of sales and use taxes imposed during the performance of the contract and to provide for certain retroactive effect.

Committee on Finance  
and Taxation

By Senator Floyd:

**S. 308.** To amend Section 41-5-21, Code of Alabama 1975, relating to audits by the Office of Examiners of Public Accounts, so as to alter the procedure involved in the submission of audit reports to designated officials.

Committee on Judiciary/Civil

By Senator Waggoner:

**S. 309.** To create the "Alabama Clean Indoor Air Act," to protect the public health, comfort and environment and promote the above by reducing involuntary exposure to tobacco smoke in public places.

Committee on Health

By Senators Floyd and deGraffenried:

**S. 310.** To provide for the creation of a comprehensive statutory

formulation of personal property leasing laws including the formation and construction, effect and performance of a lease contract; default by the lessor and lessee and general provisions. To amend Sections 7-1-105 of the Code of Alabama 1975, so as to include this act; to amend Section 7-1-201 of the Code of Alabama 1975, so as to revise the definition of "security interest"; to amend Section 7-9-113 of the Code of Alabama 1975, so as to include security interest arising under this act; to amend Sections 35-4-54 and 35-4-94 of the Code of Alabama 1975 so as to exclude leases; and to provide that this act will become effective January 1, 1992.

Committee on Judiciary/Civil

By Senators Corbett, Campbell, Mitchem, Denton, Lindsey, Parsons, Bolling, Hilliard, Sanders, Windom, Foshee, and Ghee:

**S. 311.** To amend Section 16-11-2, Code of Alabama, 1975, pertaining to city boards of education so as to further provide for districts the number of members, to establish residency requirements, to establish certain provisions pertaining to compensation, and to repeal certain provisions. Furthermore relating to elected city boards of education, to allow a city-wide referendum in those cities with appointed boards of education; to set dates of elections and referendums; to establish the ballot language; to set terms of office; to provide for vacancies; to provide for districts; and to repeal conflicting provisions.

Committee on Education

By Senators Wilson, Lindsey, Denton, Parsons, Windom, Campbell, Ellis, Ghee, Sanders, and Amari:

**S. 312.** To provide that upon the death of a state employee, his beneficiary shall be entitled to a payment of one-half of his accrued sick leave.

Committee on Governmental  
Affairs/State Administration

By Senators Campbell and Bedsole:

**S. 313.** To make a supplemental appropriation from the Farmers' Market Authority Fund to the Farmers' Market Authority for the sum of two hundred thirty-eight thousand five hundred and fifty dollars (\$238,550) for the fiscal year ending September 30, 1991.

Committee on Finance  
and Taxation

By Senator Mitchell:

**S. 314.** To amend Section 34-3-3 of the Code of Alabama 1975, relating to admission fees for applicants to the state bar, so as to provide further for such fees.

Committee on Judiciary/Civil

By Senators Bennett, Waggoner, and Ellis (With Notice and Proof):

**S. 315.** Relating to Jefferson County; amending sections 4 and 5 of Act No. 765, H. 675, 1969 Regular Session (Acts 1969, p. 1358) relating to the creation of a public bureau for the purpose of attracting conventions and visitors to every county having a population of 500,000 or more, so as to permit any county with area within the metropolitan area of the largest city in the county within such population span to come under the provisions of the act; and to provide further for the board of directors of the bureau in certain circumstances.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 315, as required in the General Acts of Alabama, 1975, Act No. 919.

MCDOWELL LEE,  
Secretary.

By Senator Langford:

**S. 316.** To authorize municipalities or counties when unincorporated territory is involved to acquire sites, purchase and construct homeless shelters, halfway houses and emergency housing, and affordable single and multi-family dwellings; to receive funds for said use; to sell and issue bonds; to execute mortgages and deeds; to appropriate or lend funds to any public or private not-for-profit corporation created to fund such housing and dwellings; to join other municipalities in the exercise of such powers; to require that all construction authorized pursuant to this act shall be performed by a licensed general contractor; and to require said construction shall be subject to the state competitive bid laws.

Committee on State  
Development and Tourism



By Senator Barron:

**S. 317.** To amend Section 20-2-91 of the Code of Alabama 1975, relating to inspections of stocks of controlled substances and prescriptions, so as to provide further for such inspection.

Committee on Judiciary/Civil

By Senator Langford:

**S. 318.** Providing group health insurance for certain retired judges of probate in the state employees group health insurance plan and providing that such retired judges shall pay the entire cost for having such group health insurance during retirement.

Committee on Governmental  
Affairs/State Administration

By Senator Bennett:

**S. 319.** To amend Sections 22-23-32, 22-23-37, 22-23-40, 22-23-41, 22-23-44, 22-23-47 and 22-23-49, Code of Alabama 1975, relating to the Alabama Safe Drinking Water Act, so as to provide further for the regulatory authority of the department of environmental management, notification of users of certain violations, sampling of water supplied to the public, applications and issuance of permits, and the crime of tampering with a public water supply.

Committee on Health

By Senator Parsons:

**S. 320.** To be known as the Sunshine In Litigation Act of 1991; to provide definitions; to provide that a court may not enter a judgment which conceals a public hazard; to provide that certain contracts or agreements are void; to provide standing for certain persons; and to provide for an action for declaratory judgment.

Committee on Business  
and Labor Relations

By Senators Smith (B) and Campbell:

**S. 321.** To amend Sections 4-3-41, 4-3-45, 4-3-47 and 4-3-59, Code of Alabama 1975, which relate to airport authorities, so as to provide for the reincorporation of existing airport authorities; to empower airport authorities to sell, exchange or grant options to buy or sell property; to expand the right of airport authorities to provide goods and services; to empower airport authorities to levy passenger facility charges and access fees; to expand the types of deposits or obligations in which an airport authority might invest funds; to expand the police powers of airport authorities, and to provide further for court jurisdiction; to provide that airport authorities can engage in certain financing; to enable airport authorities to assess and collect fines from any person, firm or corporation occupying or utilizing the airport or airport facilities in the event such party is the cause of fines or penalties being levied against the airport authority; and to exempt the airport authority from liability for the payment of deed recording fees and roll-back taxes.

Committee on Economic Affairs

By Senators Barron and Bolling:

**S. 322.** Requiring any insurance company, health maintenance organization, employer or other organization that provides a pharmaceutical program to their employers or members, to obtain written proof that the provider pharmacies are registered with the Alabama state board of pharmacy and prescribing penalties for violation.

Committee on Health

By Senators Bolling and Barron:

**S. 323.** To amend Section 27-1-16, Code of Alabama 1975, which relates to standard health insurance claim forms; so as to provide for use of a certain pharmacy claim form.

Committee on Health

By Senator Ellis:

**S. 324.** To amend Sections 36-21-44, 36-21-45 and 36-21-46 of the Code of Alabama 1975, which relate to the peace officers standards and training commission, so as to provide further for its powers, duties, functions and allowances; and to provide further for the establishment and operation of certified police academies by the commission and the salaries and benefits of the directors and employees of such academies.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senators Ghee, Corbett, Bennett, Wilson, Ellis, Windom, Parsons, Figures, Floyd, Foshee, and Bolling:

**S. 325.** To amend Sections 16-28-3, 16-28-7, 16-28-9, and 16-28-11, Code of Alabama 1975, relating to compulsory school attendance, enrollment, and reporting so as to lower the minimum compulsory attendance age from seven to age six and to require kindergarten.

Committee on Education

By Senator Mitchell:

**S. 326.** To amend Section 27-1-18 of the Code of Alabama 1975, relating to insurance contracts providing mental health services, so as to provide further for persons qualified to perform such services under such contracts.

Committee on Health

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Harper:

**HJR 44. PROVIDING FOR REIMBURSEMENT OF EXPENSES INCURRED BY CERTAIN MEMBERS THAT ATTENDED THE 1991 LEGISLATIVE BUDGET HEARINGS.**

WHEREAS, Senate Joint Resolution 9 passed by both houses of the Legislature in the 1991 Organizational Session and which provided for the continuation of the Joint Interim Committee on Finances and Budgets was subsequently pocket-vetoed by the Governor; and

WHEREAS, the Legislature has a constitutional duty to appropriate state funds and legislative budget hearings are a vital part of that appropriation process; and

WHEREAS, it was decided to proceed with previously scheduled legislative budget hearings; and

WHEREAS, expenses of members of the Joint Fiscal Committee, the Legislative Council and the Joint Continuing Committee to Study the Tax Structure of the State of Alabama were paid through those committees for their attendance at legislative budget hearings: now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That such additional House members as appointed by the Speaker of the House of Representatives and such additional Senate members as appointed by the Lieutenant Governor of the State of Alabama shall, in addition to any other expense allowance or compensation payable by law, be reimbursed expenses for each day that member attended legislative budget hearings of \$50 per day plus 25 cents per mile for one round-trip for each week that such member attended legislative budget hearings.

BE IT FURTHER RESOLVED, That the Speaker of the House of Representatives shall certify to the Clerk of the House of Representatives and the Lieutenant Governor of the State of Alabama shall certify to the Secretary of the Senate the names of such members appointed by each official respectively and the amount of reimbursable expenses due each member. Said reimbursement for expenses shall be payable from any funds appropriated to the Legislature and shall be paid to each member as soon as practical after certification by the appointing official.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the resolution, HJR 44, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Cosby:

**HJR 52. COMMENDING THE UNITED METHODIST  
CHILDREN'S HOME, 1891-1991.**

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator deGraffenried, the Resolution, HJR 52, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Buskey (JE), Clark (W), and Kennedy:

**HJR 72. MOURNING THE DEATH OF FRED BURKS OF  
MOBILE COUNTY, ALABAMA.**

Also:

By Rep. Hooper:

**HJR 75. MOURNING THE DEATH OF JOHN RANDOLPH  
PENTON, JR., OF MONTGOMERY, ALABAMA.**

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Denton, the Resolutions, HJR's 72 and 75, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint

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Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hooper, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 74. MOURNING THE DEATH OF WILLIE VIRGE  
LYERLY OF MONTGOMERY, ALABAMA.**

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Denton, the Resolution, HJR 74, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Beasley, Anderson, Barnes, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes,

Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 69. MOURNING THE DEATH OF FLOYD HOWARD GRAY, JR., OF MONTGOMERY, ALABAMA.**

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Denton, the Resolution, HJR 69, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Campbell, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable,

Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 54.** COMMENDING LOUIS G. GREENE FOR DISTINGUISHED SERVICE TO THE LEGISLATURE AND TO THE STATE OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Denton, the Resolution, HJR 54, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### RESOLUTIONS

Senator deGraffenried requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 27.** JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING That the legislature shall meet in joint session on Tuesday, April 30, 1991, at 1:30 p.m., for the purpose of the Director of the Highway Department and his staff presenting the administration's highway program to the legislature.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

**HJR 68.** COMMENDING THE ANNISTON MIDDLE SCHOOL STATE CHAMPION SCHOLARS BOWL TEAM FOR 1991.

JOHN W. PEMBERTON,  
Clerk.



**HOUSE MESSAGE**

On motion of Senator Denton, the Resolution, HJR 68, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Campbell, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 67. MOURNING THE DEATH OF GERALD CLYDE MINSHEW OF ANNISTON, ALABAMA.**

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Denton, the Resolution, HJR 67, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Cosby, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 26. COMMENDING THE ALABAMA DEPARTMENT OF HUMAN RESOURCES FOR HAVING THE NATION'S BEST CHILD SUPPORT PROGRAM.**

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Denton, the Resolution, HJR 26, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Ford, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers,

Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 14. COMMENDING DELL McRAE OF MONTGOMERY, ALABAMA, FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE AND THE STATE OF ALABAMA.**

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Denton, the Resolution, HJR 14, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Clark (J), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F),

Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 6. HONORING HARRY B. BROCK, JR., OF BIRMINGHAM, ALABAMA.**

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Denton, the Resolution, HJR 6, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Cosby:

**HJR 27. DESIGNATING TOURISM WEEK 1991, IN THE STATE OF ALABAMA.**

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Denton, the Resolution, HJR 27, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Beasley and Clark (J):

**HJR 51. MOURNING THE DEATH OF CARL S. FARMER**

OF ABBEVILLE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Denton, the Resolution, HJR 51, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hooper, Clark (J), Hawkins, White, Petelos, Butler, Gaines, Sanderson, Hill, Carns, Kvalheim, Curry, Thomas, Fuller, Ford, Burke, Powell, Rogers (J), Flowers, Bowling, McDaniel, Beasley, Gullatt, Gaston, Lindsey, Starkey, and Morrow:

**HJR 16. REQUESTING GENERAL COLIN L. POWELL AND GENERAL H. NORMAN SCHWARZKOPF TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.**

WHEREAS, in the aftermath of the war in the Middle East, the citizens of the State of Alabama are grateful, as are all Americans, for the quick and decisive allied victory in the Persian Gulf and for the admirable leadership of President Bush and his administration; and

WHEREAS, among key factors in this spectacular victory were the brilliant strategy and deceptive tactics of the allies, led by General Colin L. Powell, Chairman of the U. S. Joint Chiefs of Staff, and General H. Norman Schwarzkopf, Commander of U. S. Forces in the Gulf; and

WHEREAS, in addition, however, to securing unconditional surrender by Iraq, the result of the Persian Gulf War served also to prove the superiority of American military equipment and strategy, and to verify the incomparability of performance by our well-trained troops on the battlefield, as well as the unbelievable might of American firepower; and

WHEREAS, this body, in utmost admiration of the military dominancy displayed by Generals Powell and Schwarzkopf, would con-

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sider it an honor and privilege for these two outstanding Americans to accept an invitation to address a joint session of the Alabama Legislature; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby most respectfully request General Colin L. Powell, Chairman of the U. S. Joint Chiefs of Staff, and General H. Norman Schwarzkopf, Commander of U. S. Forces in the Persian Gulf, to address the Alabama Legislature at a time and date to be set at their convenience, whereupon the Alabama House of Representatives and the Alabama Senate will assemble in joint session to hear their remarks.

**BE IT FURTHER RESOLVED,** That General Powell and General Schwarzkopf be advised, by copy of this resolution, of our invitation to address the Legislature and of our hopeful anticipation of their acceptance, and that a copy also be forwarded to President Bush whose perception of the situation in the Gulf and his decision to withstand political pressure to extend the deadline for Iraq's withdrawal from Kuwait were vital to the allied victory and a swift end to the hostilities.

**JOHN W. PEMBERTON,**  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Denton, the Resolution, HJR 16, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Layson:

**HJR 56. COMMENDING KEITH SWENDENBURG OF ETHELSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.**

Also:

By Rep. Butler:

**HJR 57. MOURNING THE DEATH OF WALTER FREDERICK EIGENBROD OF HUNTSVILLE, ALABAMA.**

Also:

By Rep. Higginbotham:

**HJR 58. COMMENDING J. D. ROBINSON OF NORTH JEFFERSON COUNTY LODGE #59, FRATERNAL ORDER OF POLICE.**

Also:

By Reps. Mikell, Beasley, Johnson, and Butler:

**HJR 59. DESIGNATING "TALK ABOUT PRESCRIPTION MONTH" IN ALABAMA, AND "ALABAMA PHARMACY WEEK."**

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Denton, the Resolutions, HJR's 56, 57, 58, and 59, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Gaston, Zoghby, Rockhold, Kvalheim, Kennedy, and Clark (W):

**HJR 46. COMMENDING JEFFREY H. NEWMAN FOR DISTINGUISHED SERVICE TO THE MOBILE COMMUNITY.**

Also:

By Rep. Gaston:

**HJR 47. COMMENDING SADIE W. SMITH OF MOBILE,**

ALABAMA, FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Denton, the Resolutions, HJR's 46 and 47, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Grayson:

**HJR 18.** COMMENDING EARLIE RICH ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

By Rep. Grayson:

**HJR 19.** COMMENDING REAVER BROWN ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

By Rep. Grayson:

**HJR 20.** COMMENDING EVELYN RICH ON THE OCCASION OF HER RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

By Rep. Carter:

**HJR 22.** COMMENDING HEAD COACH HAROLD



**MURRELL OF ATHENS STATE COLLEGE FOR OUTSTANDING  
ACHIEVEMENT.**

**JOHN W. PEMBERTON,**  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Denton, the Resolutions, HJR's 18, 19, 20, and 22, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Grayson, Haney, Butler, Hall, Sanderford, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 77. NAMING THE JAMES I. DAWSON COOPERATIVE  
EXTENSION BUILDING AT ALABAMA A & M UNIVERSITY.**

**JOHN W. PEMBERTON,**  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Denton, the Resolution, HJR 77, set out in

the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Carter:

**HJR 23. CONGRATULATING THE ATHENS STATE COLLEGE BEARS ON THE NAIA DISTRICT 27 CHAMPIONSHIP.**

Also:

By Reps. Rockhold, Zoghby, Gaston, Harper, Kennedy, Kvalheim, Clark (W), Box, and Buskey (JE):

**HJR 24. COMMENDING MARIE ANDREWS MCCONNELL, MOBILE'S FIRST LADY FOR 1990.**

Also:

By Rep. Cosby:

**HJR 25. COMMENDING ERNEST CARTER FOR DISTINGUISHED SERVICE TO HIS FELLOWMAN.**

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Denton, the Resolutions, HJR's 23, 24, and 25, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Willis:

**HJR 28.** COMMENDING JOHN R. WHALEY OF JACKSONVILLE HIGH SCHOOL UPON RECEIVING THE NATIONAL AGRICULTURE TEACHER ASSOCIATION'S YOUNG TEACHER AWARD.

Also:

By Rep. Grayson:

**HJR 30.** COMMENDING SAMUEL SANDERS ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

By Rep. Grayson:

**HJR 31.** COMMENDING ROBERT BURTON ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

By Rep. Grayson:

**HJR 32.** COMMENDING JOSEPH JOHNSON ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Denton, the Resolutions, HJR's 28, 30, 31, and 32, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint

Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Turner:

**HJR 8.** COMMENDING JAMES W. HORTON, JR., OF WILMER, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

By Rep. Turner:

**HJR 9.** NAMING THE "HOSEA O. WEAVER BRIDGE" IN SEMMES, ALABAMA.

Also:

By Rep. Laird:

**HJR 12.** COMMENDING BILLY FRED LIPHAM OF NEWELL, ALABAMA, FOR OUTSTANDING HEROISM.

Also:

By Rep. Rogers (F):

**HJR 17.** COMMENDING CAROLYN G. WRIGHT OF EMPIRE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Denton, the Resolutions, HJR's 8, 9, 12, and 17, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Zoghby:

**H. 144.** To amend section 5-13A-3, Code of Alabama 1975, relating to the acquisition of an Alabama bank holding company or an Alabama bank by a regional bank holding company, so as to provide further for any such acquisition.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 144 - to the Committee on Banking and Insurance

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hill:

**H. 132.** To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, so as to permit municipal and county funds to be invested in certain open-end or closed-end investment trusts which are invested in direct obligations of the United States of America or repurchase agreements respecting such U. S. obligations.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 132 - to the Committee on Banking and Insurance

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Polygraph Examiners Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 18th day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. William Terry Travis, from Montgomery, Alabama, to the State Polygraph Examiners Board, with term expiring March 28, 1995.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 18th day of April, 1991.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Polygraph Examiners Board, was read and referred to the Standing Committee on Confirmations.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate

Joint Resolutions and returns same herewith to the Senate:

**SJR 1.** COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

Also:

**SJR 2.** COMMITTEE TO NOTIFY GOVERNOR AND ASCERTAIN DESIRE FOR JOINT SESSION.

Also:

**SJR 3.** COMMENDING WENDELL KENNEL ELLIS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

**SJR 4.** COMMENDING JARED JEROME CLAY OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

**SJR 5.** COMMENDING KIRK BRACE JONES OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 11.** MOURNING THE DEATH OF DEAL WAMBLES OF DOTHAN, ALABAMA.

Also:

**SJR 12.** DESIGNATING "THE MIRACLE WORKER" AS THE OFFICIAL OUTDOOR DRAMA OF THE STATE OF ALABAMA.

Also:

**SJR 15. COMMENDING THE UNITED METHODIST CHILDREN'S HOME, 1891-1991.**

Also:

**SJR 16. COMMENDING BEA VOLKMAN OF MOBILE FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.**

Also:

**SJR 17. COMMENDING THE MOBILE THEATRE GUILD AND DIRECTOR MICHAEL MCKEE FOR OUTSTANDING ACHIEVEMENT.**

Also:

**SJR 19. COMMENDING COACH RUDY ABBOTT OF JACKSONVILLE STATE UNIVERSITY FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.**

Also:

**SJR 20. NAMING THE GYMNASIUM AT COLLINSVILLE HIGH SCHOOL, COLLINSVILLE, ALABAMA, IN HONOR OF L. D. DOBBINS.**

Also:

**SJR 21. DESIGNATING THE DYNE CREEK COMMUNITY.**

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Black (L), Kennedy, Buskey (JE), Clark (W), Thomas, Warren, Campbell, Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Bugg, Burke, Buskey (JL),



Butler, Cagle, Carns, Carothers, Carter, Clark (J), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, White, Williams, Willis, and Zoghby:

**HJR 78. MOURNING THE DEATH OF MRS. SADIE JEAN RASPBERRY BRYANT OF NEWBERN, ALABAMA.**

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Foshee, the Resolution, HJR 78, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 28. SPECIAL ORDER CALENDAR.**

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the third legislative day of the 1991 Regular Session only:

Inst Id	Page
<b>S. 79</b>	6
AIDS testing, consent req.	
<b>S. 110</b>	5
Colleges of medicine located outside U. S., evaluation of,	

licensing of graduates, alt., Secs. 34-24-80, 34-24-83 am'd.

**S. 47** 6  
Medical malpractice, judgments and settlements, reporting  
alt., Secs. 27-26-5, 34-24-56 am'd.

**S. 37** 3  
Fiduciary accounts, investment of by banks and trust  
companies, alt.

**S. 135** 4  
County and mun. funds, investment of alt., Sec. 11-81-21  
am'd.

**S. 86** 4  
Motor vehicles, leases of, further reg.

**S. 43** 3  
Regional reciprocal banking, acquisition of Al. bank holding  
company or an Al. bank by a regional bank holding  
company, Sec. 5-13A-3 am'd.

**S. 44** 9  
Handicapped hunters, use of cross bow, physician's certifi-  
cation req.

**S. 112** 5  
Radiation Advisory Bd., veterinarian incl., Sec. 22-14-5  
am'd.

**S. 27** 9  
Bar pilots, license fee incr., Sec. 33-4-38 am'd.

On motion of Senator Preuitt, the Resolution was adopted by the  
Senate.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said  
Committee, in session, has compared the following enrolled Senate Joint  
Resolutions with the original Senate Joint Resolutions, and finds same  
correctly enrolled, to-wit:

**SJR 3.** COMMENDING WENDELL KENNEL ELLIS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

**SJR 4.** COMMENDING JARED JEROME CLAY OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

**SJR 5.** COMMENDING KIRK BRACE JONES OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

JIM PREUITT,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Zoghby:

**H. 145.** Relating to the administration of fiduciary accounts by duly authorized banks and trust companies by requiring timely investment of idle funds, by setting a quality standard, requiring a reasonable rate of return, providing for compensation and providing for the application of this act to fiduciary accounts now existing or hereafter created.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 145 - to the Committee on Banking and Insurance

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Zoghby:

**H. 146.** Relating to motor vehicles so as to provide that a transaction does not create a sale or security interest merely because the transaction provides that the rental price may be adjusted by reference to the amount realized upon sale or other disposition of the motor vehicle; to provide for severability of the provisions of this act; to provide for repeal of conflicting laws; and to provide for an effective date.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 146 - to the Committee on Banking and Insurance

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mathis (With Notice and Proof):

**H. 13.** Relating to Geneva County; providing for the mode of establishing the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing

and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Geneva County; providing for an advisory referendum called for such purpose; and providing for an effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 13, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Mathis (With Notice and Proof):

**H. 14.** To propose a constitutional amendment relating to Geneva County, providing that the legislature may by local law: 1) require or authorize the county governing body to levy, administer, collect and enforce additional county license taxes and registration fees on motor vehicles; 2) provide for the distribution of the proceeds of said taxes and fees; and 3) provide for certain exemptions.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 14, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Hammett (With Notice and Proof):

**H. 40.** Relating to Covington County; to prohibit the placing of political signs, markers and advertising, on county controlled highways except for those signs or markers placed by or under the authority of the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 40, AS REQUIRED IN THE

## GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,  
Clerk.*JOHN W. PEMBERTON,*  
*Clerk.***HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 13, 14, and 40 - to the Committee on Local Legislation No.  
1

(The above Bill, HB 14, was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Newman (With Notice and Proof):

**H. 9.** Relating to Lamar County; repealing Act No. 81-629, H. 873, Regular Session 1981 (Acts 1981, p. 1046) entitled "An Act Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty on beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system."

**I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 9, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.**

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Mathis (With Notice and Proof):

**H. 12.** Relating to Geneva County, to require the county governing body to levy an annual license tax and registration fee on certain motor vehicles; to provide for the collection, administration and

enforcement of said tax and fees and the distribution of the proceeds of said tax and fees; to provide for certain exemptions; and to condition the operation of said act upon the adoption of a local constitutional amendment and approval of this act by the voters at a referendum provided for herein.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 12, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,  
Clerk.

*JOHN W. PEMBERTON,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 9 and 12 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Tuscaloosa County Civil Service Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 23rd day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. John G. Carroll of Tuscaloosa, Alabama, to the Tuscaloosa County Civil Service Board, effective May 15, 1991. Mr. Carroll will be replacing Mr. Aaron Waldrop and his term will expire May 15, 1997.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 23rd day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Tuscaloosa County Civil Service Board, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Tuscaloosa City Civil Service Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 23rd day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:



I have appointed, subject to your confirmation, Ms. Anne Odom of Tuscaloosa, AL., to the Tuscaloosa City Civil Service Board. Ms. Odom will be replacing Mr. J. Russell Gibson and her term will expire May 15, 1997.

Respectfully submitted,

GUY HUNT  
Governor.

Done this 23rd of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Tuscaloosa City Civil Service Board, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Banking Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 23rd day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Alan Weeks, Jr., of Montgomery, Alabama, to the State Banking Board. Mr. Weeks will be replacing Mr. Whit Armstrong, and his term will expire

February 1, 1997.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 23rd day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Banking Board, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Banking Board.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 23rd day of April, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Richard Morthland of Selma, Alabama, to the State Banking Board. Mr. Morthland will be replacing Mr. A. M. Grimsley, Jr., and his term will

expire February 1, 1997.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 23rd day of April, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Banking Board, was read and referred to the Standing Committee on Confirmations.

### REPORTS OF COMMITTEES

Senator Wilson, Chairperson. of the Standing Committee on Energy and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Dial and Hale:

**S. 198.** To require that the State Board of Pharmacy establish and periodically update a published list of precursor chemicals which are essential to the manufacture of unlawful controlled substances; to establish an interim list of such chemicals; to enact registration, reporting, and record-keeping requirements for individuals who manufacture, buy, sell, transfer, transport, receive, possess, or otherwise furnish such listed precursor chemicals, under the direction and supervision of the Board of Pharmacy; to make unlawful the possession of listed precursor chemicals with knowledge or intent that the same will be used in the unlawful manufacture of controlled substances; to empower the Board of Pharmacy to adopt reasonable rules and regulations to effect the purposes of the act, and to charge reasonable fees for the registration of listed precursor chemical transactions; and to provide penalties for violation of the act.

Senator deGraffenried, Chairperson. of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bedsole, Little, Mitchem, Hale, Bolling, Dial, Bailey, Denton, Preuitt, Barron, Dixon, and Smith (B):

**S. 55.** Relating to immunity from civil liability while in volunteer service without compensation for a nonprofit organization or corporation or governmental entity; to provide that any public or community service volunteer without compensation shall be immune from civil liability in any civil action on the basis of any act or omission of such volunteer resulting in damage or injury if said volunteer was acting in good faith within the scope of his official functions and such damage or injury was not caused by willful and wanton misconduct; to provide that the responsibility of an established act or omission of a volunteer shall be the responsibility of the principal organization under the doctrine of "respondeat superior"; and to provide for certain exceptions in the event of a motor vehicle accident where the volunteer is negligent and is covered by insurance.

By Senator deGraffenried:

**S. 138.** To amend Section 22-50-62, Code of Alabama 1975, relating to disclosure of information by the department of mental health and mental retardation, so as to provide that the proceedings, minutes, records, operations and reports of certain internal committees and programs of the department will be privileged and may not be disclosed or obtained except under extraordinary circumstances.

By Senator Foshee:

**S. 123.** To amend Section 23-1-21, Code of Alabama 1975, to provide further for the salary of the highway director and assistant highway director.

Senator Ghee, Chairperson, of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Parsons, Bennett, Waggoner, Hilliard, Amari, and Horn:

**S. 41.** To propose an amendment to the Constitution of 1901, for Jefferson County, pursuant to Amendment No. 425 of the Constitution providing further for license taxes on certain real estate operations and transactions; and to provide for implementation.

The above Bill was read a second time at length as required by the Constitution.

By Senator Windom:

**S. 94.** To amend Section 17-9-4, Code of Alabama 1975, which relates to the placement and provision of voting machines in voting places for elections; so as to allow the probate judge to provide for fewer voting machines, subject to the review of the circuit court, if petitioned.

Senator Campbell, Chairperson. of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Notice and Proof):

**S. 60.** Relating to Limestone County and the regulation and operation of privately-owned or controlled regional landfills for solid waste so as to further provide for such solid waste landfill operation and location within the county; providing that any such regulation and restriction shall be cumulative to any other provisions of law, rule or regulation on solid waste; and requiring the Limestone County Commission to call for a referendum election on the question of location or acceptance of any privately-owned or controlled regional landfill within the county prior to such operation, location or acceptance; and providing severability and effective date.

### MOTION IN WRITING

Senator Horn offered the following Motion in Writing, to-wit:

### MOTION IN WRITING

Notice in Writing having been given on a previous legislative day, motion is now made to amend the Senate Rules as follows:

Rule 52 (b) is hereby amended as follows:

After the words "Legislative Reference Service" on Line 2 of Rule 52 (b), add the following: ", the Legislative Fiscal Office, or the Executive Budget Office"

On motion of Senator Horn, the Rules were suspended and the Motion in Writing was adopted by the Senate.

**MOTION TO ADJOURN**

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Thursday, April 25, 1991, at 10 o'clock A.M., which motion was adopted.

**MOTION IN WRITING**

Senator Horn offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

Notice in Writing having been given on a previous legislative day, motion is now made to amend the Senate Rules as follows:

Rule 75 (a) is hereby amended to add the word "general" as stated below:

**RULE 75.** (a) Every general bill before any vote is taken thereon by the Senate must have endorsed thereon or attached thereto a reliable estimate of the amount of money involved therein, and the anticipated increase or decrease in revenue collections under the provisions of the bill. All fiscal notes provided for in this rule and other rules of the Senate must be prepared by or certified by the Chief Legislative Fiscal Officer as being substantially accurate to the best of his or her knowledge, information and belief. The fiscal note shall also be prepared by or under the supervision of the standing committee to which the bill is referred. The fiscal note shall be endorsed on the bill or attached thereto, and shall be printed on the calendar of bills on third reading immediately following the title of the bill. Any general bill on second reading not having a fiscal note affixed thereto shall be recommitted to the Committee from whence it came. (No general bill shall be given its third reading, unless it has affixed thereto a valid fiscal note.)

(b) All resolutions creating a committee or program wherein the expenditure of funds out of the state treasury is authorized must contain the same fiscal note as defined in paragraph (a) above and must be referred to the Committee on Rules.

On motion of Senator Horn, the Rules were suspended and the Motion in Writing was adopted by the Senate.

**RESOLUTIONS**

Senators Figures, Bedsole, Windom, and Lipscomb offered the following Senate Joint Resolution, to-wit:

**SJR 29. NAMING THE NEW BRIDGE ON BAY BRIDGE ROAD IN MOBILE, ALABAMA, WHICH SPANS THE MOBILE RIVER, THE "COCHRANE-AFRICATOWN USA BRIDGE."**

WHEREAS, a replacement bridge for the old Cochrane Bridge on Bay Bridge Road in Mobile, Alabama, is now completed and has been informally christened the "Cochrane-Africatown USA Bridge"; and

WHEREAS, it was near the site of this new bridge that the schooner Clotilde docked with the last cargo of Africans to be smuggled into this country for the purpose of slavery; and

WHEREAS, most of the Africans who were aboard that ship settled the community surrounding the bridge and called it Africatown; and

WHEREAS, the Legislature of the State of Alabama memorialized this fact by an act known as the "Africatown, U.S.A, Act of 1985," Sections 41-10-230 through 41-10-240, Code of Alabama 1975; and

WHEREAS, it is the desire of this body that an appropriate and lasting tribute be officially made to the legacy of Africatown, USA, and its prominent role in the history of our state and country; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby officially name and designate the new bridge on Bay Bridge Road in Mobile, Alabama, spanning the Mobile River, as the "Cochrane-Africatown USA Bridge."

**BE IT FURTHER RESOLVED,** That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said bridge as the "Cochrane-Africatown USA Bridge."

On motion of Senator Waggoner, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Barron offered the following Senate Joint Resolution, to-wit:

**SJR 30. DESIGNATING "TALK ABOUT PRESCRIPTION MONTH" IN ALABAMA, AND "ALABAMA PHARMACY WEEK."**

WHEREAS, the improper use of prescription medicine is so pervasive in the U. S. that it is called America's other drug problem; and

WHEREAS, nearly 1.6 billion prescriptions were dispensed last year by licensed pharmacists, at a cost to Americans of nearly \$30 billion dollars; and

WHEREAS, up to half of medicines prescribed are used incorrectly, contributing to prolonged illness, avoidable side effects and interactions, unnecessary hospitalizations, and even death; and

WHEREAS, working age adults, ages 19-64, constitute the nation's most populous group of medication users; and

WHEREAS, over 200 million prescriptions are written annually for children and teenagers; and

WHEREAS, America's older consumers make up about 12% of the population but consume nearly 30% of all medicines; and

WHEREAS, there is a need for the public to be educated about the medicines they are prescribed before they take them; and

WHEREAS, there is a need for the public to understand the role of their pharmacist in the delivery of their health care and that the pharmacist is the medication expert; and

WHEREAS, the National Council on Patient Information and Education (NCPIE), a coalition of 260 organizations representing medicine, pharmacy, nursing, dentistry, allied health professions, consumer groups, government, industry, and voluntary health agencies, is committed to improving communication about prescription medicines; and

WHEREAS, the month of October has been designated as "Talk About Prescriptions Month" with the theme, "Break the Rx Silence Barrier: Talk About Prescriptions"; and

WHEREAS, the profession of pharmacy has designated the week of October 20-27, 1991, as "National Pharmacy Week" specifically to coincide with "Talk About Prescriptions Month"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the month of October 1991 as "Talk About Prescriptions Month" in Alabama, and the week of October 20-27, 1991, as "Alabama Pharmacy Week," and call upon all citizens to observe this important cause by educating themselves about the prescription medicines they use, understanding the role of their pharmacist and the contributions they make, and to seek advice from their health care professionals about how



to use the medicines they take safely and effectively.

On motion of Senator Waggoner, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Barron then offered the following Senate Resolution, to-wit:

**SR 31. DIRECTING THE ALABAMA COMMISSION ON HIGHER EDUCATION TO DEVELOP A STATEWIDE COMPUTER DATA BASE.**

WHEREAS, Act No. 79-461 establishes and defines the duties of the Alabama Commission on Higher Education; and

WHEREAS, Section 7 of said act directs the commission to establish a State University and College Information System to provide comprehensive, meaningful and timely information pertinent to the formulation of decisions and recommendations by the commission; and

WHEREAS, the establishment of this computer base information system will require no state funds since the commission already has the hardware and software; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we do hereby direct the Commission on Higher Education to proceed to establish this statewide data base to provide the legislature, the executive branch and the public with reports on students and their progress in higher education.

BE IT FURTHER RESOLVED, That the legislature directs the commission to develop reports which highlight retention, degree completion and information on student performance which would be reported back to K through 12 school systems.

Which was adopted.

Senator Waggoner offered the following Senate Resolution, to-wit:

**SR 32. CONGRATULATING THE VESTAVIA HILLS HIGH SCHOOL WRESTLING TEAM ON THE STATE CLASS 6A CHAMPIONSHIP FOR 1991.**

Which was filed.

Senators Little and Sanders offered the following Senate Joint Resolution, to-wit:

**SJR 33. COMMENDING ROBERT M. CRESWELL OF CAMDEN, ALABAMA, RECIPIENT OF THE MEDAL OF HONOR FROM THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION.**

WHEREAS, on April 4, 1991, Robert M. Creswell of Camden, Alabama, was awarded the Medal of Honor, bestowed by the National Society of the Daughters of the American Revolution in recognition of leadership, trustworthiness, patriotism and service; and

WHEREAS, Mr. Creswell, retired resource manager with the U.S. Corps of Engineers and a member of the Camden City Council, has served as president of the Camden Exchange Club, a deacon at Camden Baptist Church and as chairman of many economic growth and community improvement programs; and

WHEREAS, he further was among 22 county representatives honored for leadership in 1981 by the Alabama Cooperative Extension Service, the State Chamber of Commerce and Liberty National Life Insurance Company; and

WHEREAS, a veteran of World War II, Mr. Creswell served 15 years in the Army Reserve, retiring as a lieutenant colonel; on active duty during the war, he was a private in the United States Army, completed OSC and Parachute School in 1942 and was discharged as a captain in 1946; and

WHEREAS, Robert Creswell is indeed an outstanding patriot and community leader, and one who richly deserves the prestigious recognition signified by the Medal of Honor, the highest honor bestowed by the National DAR upon a non-member citizen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest honor and esteem, we hereby commend Robert M. Creswell of Camden, Alabama, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bolling offered the following Senate Joint Resolution, to-wit:

**SJR 34. URGING THE UNITED STATES CONGRESS TO LEGISLATIVELY RESOLVE THE "NOTCH BABY" SOCIAL SECURITY INEQUITY.**

WHEREAS, certain Social Security recipients born between 1917 and 1921 are receiving reduced benefits as a result of 1977 congressional legislation that created the wage-indexed computation method; and

WHEREAS, "Notch Babies" who reached age 62 between 1979 and 1983 have been forced to accept a substantial decrease in benefits under the new computation method as opposed to what their benefits would have been under the old method used prior to 1977; and

WHEREAS, Congress has allowed this inequity to continue without resolution since it was first brought to their attention in 1982; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge and implore the Congress of the United States to take the necessary legislative action during its 1991-92 session to correct the "Notch Baby" Social Security inequity.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to every member of the Alabama congressional delegation.

On motion of Senator Bolling, the Rules were suspended and the Resolution was adopted by the Senate.

#### COMMITTEE REPORT FILED

Pursuant to the provisions of Act 1218, 1975, the annual report of the Joint Highway Committee was filed with the Secretary..

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has elected the following as members of the Legislative Council:

Representatives Williams, Freeman, Laird, Starkey, Beasley, and Hall.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has elected the following as members of the Examiners of Public Accounts:

Representatives Flowers, Rogers (J), Buskey (J), Buskey (JL), White, and Warren.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has elected the following as members of the Building Commission:

Representatives Newman, Haynes, Burke, and Smith (C).

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has elected the following as members of the Alabama Sunset Review Committee:

Representatives Buskey (JL), Box, and Kvalheim.

JOHN W. PEMBERTON,  
Clerk.

**BUDGET ISOLATION RESOLUTION**

Senator Smith (J), B.I.R., SB 79, adopted.

Yeas 25 Nays 2

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried,

Denton, Ellis, Foshee, Ghee, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

Senators: Amari and Sanders

- 2

### **SPECIAL ORDER**

### **BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

**S. 79.** To establish the requirements for informed consent for HIV testing; to provide that informed consent shall be implied under certain stated factual circumstances; to provide for counseling, referral to appropriate health care services, and explanation of individual responsibility shall be provided to any individual testing positive for HIV; and to provide for the confidentiality of HIV test results.

Senator Corbett offered the following amendment to the Bill, SB 79, to-wit:

### **AMENDMENT TO SB 79**

Amend SB 79 on page 2

Line 14 and Line 15 - Delete Section "(1)" in its entirety

Line 16 and Line 17 - Delete Section "(2)" in its entirety

Line 21 and Line 22 - Delete Section "(4)" in its entirety

and renumber the remaining Section "(3)" to new Section "(1)"

On motion of Senator Smith (J), said amendment was laid on the table.

Senator Corbett then offered the following amendment No. 2 to the Bill, SB 79, to-wit:

### **AMENDMENT NO. 2 TO SB 79**

Amend SB 79 page 2

Line 21 and 22 - Delete entire section "(4)"

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Ellis, Figures, Ghee, Hilliard, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays: - 0

And said Bill, SB 79, as thus amended, was read a third time at length and ordered sent forthwith to the House upon engrossment.

Yeas 26 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Ellis, Figures, Ghee, Hilliard, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -26

Nay: Senator Corbett - 1

### BUDGET ISOLATION RESOLUTION

Senator Ghee, B.I.R., SB 110, offered.

On motion of Senator Windom, the Rules were suspended and further consideration of the B.I.R., SB 110, was postponed subject to the call of the Chair.

### RESOLUTION

Senators Wilson, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom offered the

following Senate Resolution, to-wit:

**SR 35. CONGRATULATING ROBERT TERRY WILSON, SENIOR ON THE OCCASION OF HIS 69th BIRTHDAY, APRIL 23, 1991.**

WHEREAS, noted with great pleasure is the 69th birthday of former State Senator Robert Terry Wilson, Sr. on this day of April 23, 1991; and

WHEREAS, born April 23, 1922 at Dora in Walker County, Alabama, the son of William Myrick and Kate Bell (Dobbs) Wilson; grandson of Robert Lee and Katie (Dobbs) Wilson and of Thomas and Mary Ellen Dobbs of Walker County;

WHEREAS, having attended the rural public schools of Walker County and graduating from Walker County High School in 1941 and having attended Stetson Law School in Deland, Florida, and having graduated from the University of Alabama Law School in 1950;

WHEREAS, having served his country in the U. S. Air Force during World War II as a gunner and having flown 65 combat missions;

WHEREAS, he married the former Ruth Eleanor McDaniel and fathered and raised four children, Sandra Sue Wilson Stough, Robert Terry Wilson, Jr., Sally Ruth Wilson DeWitt, and Alice Kay Wilson;

WHEREAS, Robert Terry Wilson served the State of Alabama for three terms in the Alabama State Senate as a guardian of the rights of ordinary working people, and has now sent his son to do the same, and has had and continues to enjoy a rich, full life; despite numerous hardships, he is greatly blessed with a loving family and countless friends who look to him as a shining example of true christian love and selfless service to others;

WHEREAS, a former colleague, Senator Wilson was a member of the Alabama Senate from 1970 to 1978, during which tenure he served as Chairman of the Finance and Taxation Committee, and as a member of the Judiciary, Constitution and Elections, Banking, Conservation and Insurance Committees among other assignments; and

WHEREAS, we further note that his son, Robert T. Wilson, Jr., is now serving in the Senate, and we are pleased to join the second Senator Wilson from Jasper in wishing his father and our good friend the happiest birthday ever;

NOW THEREFORE, BE IT RESOLVED THAT the heartiest congratulations are hereby extended to Robert Terry Wilson, Sr. on the occasion of his 69th Birthday;

BE IT FURTHER RESOLVED; THAT a copy of this resolution of sincere best wishes and highest regard be prepared for presentation to the Honorable Robert T. Wilson, Sr. of Jasper, Alabama.

Which was adopted.

#### BUDGET ISOLATION RESOLUTION

Senator Bolling, B.I.R., SB 47, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Ellis, Foshee, Hilliard, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuitt, Smith (B), Smith (J), Waggoner, Wilson, and Windom -22

Nays:

- 0

#### BILLS ON THIRD READING RESUMED

THE BILL:

S. 47. To amend Sections 27-26-5 and 34-24-56, Code of Alabama 1975, relating to the reporting of medical malpractice judgments and settlements, so as to provide further for the reporting of judgments and settlements entered against professional corporations.

was taken up.

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, SB 47, was postponed subject to the call of the Chair.

#### BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., SB 37, adopted.



Yeas 22 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Ellis, Figures, Foshee, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Smith (J), Waggoner, Wilson, and Windom  
-22

Nay: Senator Corbett

-1

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**S. 37.** Relating to the administration of fiduciary accounts by duly authorized banks and trust companies by requiring timely investment of idle funds, by setting a quality standard, requiring a reasonable rate of return, providing for compensation and providing for the application of this act to fiduciary accounts now existing or hereafter created.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Figures, Foshee, Ghee, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-29

Nays:

-0

### **FURTHER CONSIDERATION OF SB 47**

The Senate proceeded to further consideration of the Bill, SB 47.

And said Bill, SB 47, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Figures, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Corbett, B.I.R., SB 135, adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Ghee, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 135.** To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, so as to permit municipal and county funds to be invested in certain open-end or closed-end investment trusts which are invested in direct obligations of the United States of America or repurchase agreements respecting such U. S. obligations.

was taken up.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and

House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 3

SJR 4

SJR 5

Delivered to the Governor, April 23, 1991, at 3:40 P.M.

McDOWELL LEE,  
Secretary of Senate.

### SECRETARY'S REPORT

The foregoing report of the Secretary. was read and ordered spread upon the Journal.

### ADJOURNMENT

At 5:05 P.M., on motion of Senator Parsons, in accordance with Motion heretofore adopted, and pending further consideration of the Bill, SB 135, the Senate adjourned until Thursday, April 25, 1991, at 10 o'clock A.M.

## **FOURTH LEGISLATIVE DAY**

**THURSDAY, APRIL 25, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Jim Pate, Pastor, First Baptist Church, Dadeville, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Shanika Andrews, William Burns Paterson Elementary School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-27

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Corbett, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Corbett, leave of absence was granted Senators Barron, Dial, Dixon, Figures, Foshee, Hilliard, Mitchem, and Sanders for today.

**MOTION TO ADJOURN**

Senator Corbett moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, April 30, 1991, at 1 o'clock P.M., which motion was adopted.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Waggoner:

**S. 327.** Relating to the state dental examiners board; to amend Sections 34-9-8, 34-9-16 and 34-9-43, Code of Alabama 1975, so as to provide for certain increases of fees of the board and to provide further for the publication by the board of its list of licenses.

Committee on Finance  
and Taxation

By Senator Parsons:

**S. 328.** To be known as the Sunshine In Litigation Act of 1991; to provide definitions; to provide that a court may not enter a judgment which conceals a public hazard; to provide that certain contracts or agreements are void; to provide standing for certain persons; and to provide for an action for declaratory judgment.

Committee on Judiciary/Civil

By Senator Floyd (With Notice and Proof):

**S. 329.** Relating to Etowah County, to levy a privilege or

license tax on every person engaged in the renting of real estate, to provide for the computation, collection and enforcement of said tax, to provide penalties for failure to pay said tax, to authorize the county commission to promulgate necessary rules and regulations, to provide that said tax information shall be confidential and to provide for the allocation of said tax receipts.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 329, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Amari and Parsons:

**S. 330.** To establish a pension fund for Alabama fire fighters to be known as the Alabama fire fighters' annuity pension fund; to prescribe conditions for joining, withdrawing and continuing membership in the fund; to regulate the payment of pensions and benefits from the fund; to provide for the management and administration of the fund by a board of trustees; to prescribe the membership of the board, provide for the election and terms of officers of members thereof, and prescribe their powers and duties; to establish the office of secretary-treasurer of such board, provide for his employment, his salary, and his bond; and for the purpose of financing the fund, to levy and provide for the collection of an additional tax on insurers against fire, lightning, and related hazards; and to fix membership dues, and authorize gifts, contributions and donations to the fund.

Committee on Finance  
and Taxation

By Senator Windom:

**S. 331.** To permit the commissioner of insurance to levy a civil penalty of not more than \$250,000.00 for violations of the insurance code following an administrative hearing; amending Section 27-2-31, Code of Alabama 1975.

Committee on Banking  
and Insurance

By Senator Smith (B):

**S. 332.** To provide for mandatory errors and omissions insurance coverage for all active real estate licensees; to authorize the real estate commission to contract for such coverage in compliance with state competitive bid laws; to allow optional coverage by any insurance carrier which meets minimum standards; to provide that no such coverage shall be required when it is not available at a reasonable premium and to authorize such commission to promulgate and implement administrative rules and procedures to carry out the provisions of this act.

Committee on Business  
and Labor Relations

By Senator Smith (B):

**S. 333.** To amend Sections 35-15-1, 35-15-2 and 35-15-3 of the Code of Alabama 1975, relating to the duty of care owed persons on premises for sporting or recreational purposes so as to provide further that sporting or recreational activities include caving (exploring caves) and rock climbing.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Floyd:

**S. 334.** To make an appropriation to the Bevill Center for Advanced Manufacturing Technology in Gadsden, Alabama for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance  
and Taxation

By Senator Hale:

**S. 335.** To amend Section 34-30-22 of the Code of Alabama 1975, relating to the licensing of social workers, so as to permit a person who held a license within the last ten years, but whose license has lapsed, to be licensed upon meeting certain requirements, including passage of an examination.

Committee on Public Welfare

By Senator Hale:

**S. 336.** To amend Section 25-5-50 of the Code of Alabama 1975, relating to exemptions from coverage under Workmen's Compensation, so as to provide that individual newspaper delivery persons are exempt from coverage.

Committee on Business and Labor  
Relations

By Senator Hilliard:

**S. 337.** To amend Sections 40-18-19, Code of Alabama 1975, relating to income tax exemptions, so as to provide further for exemption from state individual income tax for all county, city or other governmental pension plans.

Committee on Finance  
and Taxation

By Senator Mitchell:

**S. 338.** To reopen the Employees' Retirement System of Alabama to permit contributing state employees who worked for the Alabama State Council on the Arts to purchase retirement credit for their years of service.

Committee on Governmental  
Affairs/State Administration

By Senators Mitchell and Bennett:

**S. 339.** To grant certain rights to public school employees pertaining to their own personnel records, and to establish other regulations regarding said records.

Committee on Education

By Senators Lindsey, Amari, Denton, Parsons, Windom, Floyd, Corbett, Wilson, Campbell, Ghee, Bennett, Horn, Bolling, Sanders, Hilliard, and Langford:

**S. 340.** To amend section 25-5-77, Code of Alabama 1975, which relates to expenses of medical and surgical treatment, vocational rehabilitation, medicine, nutritional supplementation and medical or



surgical examinations under worker's compensation so as to provide that injured employees shall have a choice of a physician in the event the injured employee is dissatisfied with the initial treating physician selected by the employer and if further treatment is required, and to provide that the employer shall be liable for all such treatments.

Committee on Judiciary/Civil

By Senator deGraffenried:

**S. 341.** Relating to mental health and mental retardation, so as to provide further for the exercise of temporary custody, detention, care, and handling of alleged mentally ill persons, pending formal commitment proceedings to determine whether such persons should be committed to a designated mental health facility; to allow the probate court of each county to choose whether the county will adopt and be covered by the provisions of the act, with alternate provisions for termination of the findings and operation of procedures in event of changed circumstances, and to grant to all persons acting in good faith in connection with exercising temporary custody, escorting, evaluation, examination, certification, testing, admission, detention, treatment, or discharge of any alleged mentally ill person, freedom from all civil liability by reason of such action.

Committee on Judiciary/Civil

By Senator deGraffenried:

**S. 342.** To relate to all civil actions in tort, contract or otherwise against architects and engineers, and against builders who construct or perform or manage construction of an improvement on or to real property designed by and constructed under the supervision of, or constructed in accordance with the plans and specifications prepared by, an architect or engineer, arising out of any defect or deficiency in the design, planning, testing, supervision, administration or observation of construction of an improvement on or to real property, or arising out of any defect or deficiency in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this act does not apply to causes of action which have accrued prior to its effective date; to provide that this act does not create any cause of action against such architects or engineers or builders or any other persons; to exclude

causes or rights of action against manufacturers of products; to extend the bar of causes or rights of actions for breach of contract arising out of written express warranties to coincide with the period thereof; and to define terms.

Committee on Business and Labor  
Relations

By Senator Bennett:

**S. 343.** To create a new circuit judgeship in the tenth judicial circuit, Bessemer cut-off division; and to provide for the election, authority and compensation of such judge.

Committee on Judiciary/Civil

By Senator Mitchell:

**S. 344.** To amend section 11-91-8, Code of Alabama 1975, authorizing governing bodies of counties and municipalities to provide health insurance to their retired employees, so as to authorize them to allow retired employees of county and municipal agencies, boards or commissions or surviving spouses, beneficiaries and dependents of such retired employees to participate in the health insurance program.

Committee on Governmental  
Affairs/State Administration

By Senator Mitchell:

**S. 345.** To authorize the legislative council to employ technical assistants including legal counsel in certain instances and to provide for the manner of compensating said persons.

Committee on Governmental  
Affairs/State Administration

By Senator Denton:

**S. 346.** Proposing an amendment to the Constitution of Alabama of 1901, as amended, to provide that every mayor, sheriff and elected county official shall be entitled to participate in the Employees' Retirement System of Alabama, its successor state employee retirement system, or any municipal or county retirement system in which the employees of such official's respective municipality or county may participate and such official's participation shall be upon the same terms and

conditions as may be specified by law or regulation from time to time for the respective municipal or county employees, as the case may be, participating in such retirement system. For the purposes of this amendment the term "elected county official" shall include any official appointed to serve the remaining term of a county elective office.

Committee on Constitution  
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Lipscomb:

**S. 347.** To authorize any Class 2, 3, 4, 5, 6, 7 or 8 municipality, operating under a council-manager form of government or under a mayor-council-city manager form of government, to establish a council-manager form of government; to provide for an election for the qualified electorate to continue to operate under the council-manager form of government under this act or to choose the mayor-council form of government pursuant to Section 11-43-1, et seq. of the Code of Alabama 1975, which provides for the operation and administration of such governing body; to provide for the powers, duties and responsibilities and terms of office for each form of government; to prescribe that any annexation and the present boundaries shall continue; to provide that the mayor and council members shall continue in office until the expiration of their current terms; to provide for the composition of the council and the number of single-member districts and for certain municipal officers; to preserve any current civil service or merit system; to provide for the transition of powers, duties and assets of any office, department, board, commission or agency where applicable, as well as the continuation of all contracts, public improvements, ordinances providing for civil or criminal penalties, the proceedings of the municipality, and resolutions; to provide for referendum procedures and the effective date; to provide for fiscal and budgetary matters of the governing body and municipality; to repeal any laws or parts of laws in conflict with this act; and to prescribe criminal penalties for violations.

Committee on Governmental  
Affairs/Local Government

By Senator Bedsole:

**S. 348.** To further amend Section 16-23-3, Code of Alabama 1975, as amended, relating to provisional teacher certification, so as to

establish certain criteria for such provisional certificates.

Committee on Education

By Senators Bedsole and Bennett:

**S. 349.** To further amend Section 16-23-3, Code of Alabama 1975, as amended, relating to provisional teacher certification, so as to establish certain criteria for such provisional certificates.

Committee on Education

### REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Corbett, Amari, and Campbell:

**S. 162.** To amend Act No. 90-650, S. 62, 1990 Regular Session, which establishes the Economic Development Revolving Loan Funds, so as to provide further for the compensation of the members of the committee and to provide that appropriations made pursuant to the act shall not revert into the general fund at the end of the fiscal year.

By Senator Campbell:

**S. 283.** To amend Section 2-5-4, Code of Alabama 1975, relating to the administrator of the farmers' market authority, so as to authorize him to appoint and set the salary of a secretary within or without the merit system.

By Senators Smith (B) and Campbell:

**S. 321.** To amend Sections 4-3-41, 4-3-45, 4-3-47 and 4-3-59, Code of Alabama 1975, which relate to airport authorities, so as to provide for the reincorporation of existing airport authorities; to empower airport authorities to sell, exchange or grant options to buy or sell property; to expand the right of airport authorities to provide goods and services; to empower airport authorities to levy passenger facility charges and access fees; to expand the types of deposits or obligations in which an airport authority might invest funds; to expand the police powers of airport authorities, and to provide further for court jurisdiction; to pro-

vide that airport authorities can engage in certain financing; to enable airport authorities to assess and collect fines from any person, firm or corporation occupying or utilizing the airport or airport facilities in the event such party is the cause of fines or penalties being levied against the airport authority; and to exempt the airport authority from liability for the payment of deed recording fees and roll-back taxes.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Hill:

**H. 132.** To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, so as to permit municipal and county funds to be invested in certain open-end or closed-end investment trusts which are invested in direct obligations of the United States of America or repurchase agreements respecting such U. S. obligations.

By Senators Owens, Campbell, Lipscomb, Waggoner, Hale, Ellis, Windom, Foshee, Preuit, and Mitchem:

**S. 158.** To amend Sections 13A-9-13.1, 13A-9-13.2, 8-8-15 and 12-17-224, Code of Alabama 1975, which relate to restitution for the negotiation of a worthless check or other negotiable instrument; so as to increase the service charge on such worthless checks or instruments.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Amendment):

**S. 187.** To amend Sections 27-40-1, 27-40-9, 27-40-12, and 27-40-15, Code of Alabama 1975, and to repeal Section 27-40-16 of the Code of Alabama 1975, relating to insurance premium finance companies so as to provide further for the regulation of such companies; to delete certain references to and authorization for designated agents; to provide for a maximum service charge; to require premium finance agreements to contain certain information; to substantially alter the procedure for return of gross unearned premiums upon cancellation of

the insurance contract; to provide for time limits for the return of unearned premiums and to provide where the amount of premium financed shall be sent.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Zoghby:

**H. 145.** Relating to the administration of fiduciary accounts by duly authorized banks and trust companies by requiring timely investment of idle funds, by setting a quality standard, requiring a reasonable rate of return, providing for compensation and providing for the application of this act to fiduciary accounts now existing or hereafter created.

By Rep. Zoghby:

**H. 144.** To amend section 5-13A-3, Code of Alabama 1975, relating to the acquisition of an Alabama bank holding company or an Alabama bank by a regional bank holding company, so as to provide further for any such acquisition.

By Senators Foshee, Waggoner, Amari, and Preuit:

**S. 303.** To amend Section 27-30-34, Code of Alabama 1975, to require the use of currently approved actuarial tables for establishing reserves for policies and contracts of insurance issued by mutual aid associations, either before or after the effective date of this act, when such policies or contracts of insurance are in conformity with the provisions of the Alabama Standard Valuation Law and the Alabama Standard Non-Forfeiture Law for domestic life insurers.

By Rep. Zoghby:

**H. 146.** Relating to motor vehicles so as to provide that a transaction does not create a sale or security interest merely because the transaction provides that the rental price may be adjusted by reference to the amount realized upon sale or other disposition of the motor vehicle; to provide for severability of the provisions of this act; to provide for repeal of conflicting laws; and to provide for an effective date.

Senator Horn, Chairperson of the Standing Committee on Finance

and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Substitute):

**S. 14.** To provide for a voluntary check-off designation on state income tax returns and franchise tax returns for the 1991 tax year and each year thereafter for support of the indigent offender alcohol and drug treatment trust fund, pursuant to the Mandatory Treatment Act of 1990.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Preuitt:

**S. 51.** Relating to the Alabama Institute for Deaf and Blind; to provide that the sale or disposal of tangible personal property or standing timber shall be let by competitive public auction or sealed bids; to provide for notice and inspection; to provide for re-advertisement and sale or a negotiated sale in the event bids were inadequate; to provide for the disposition of the proceeds and the continuous appropriation of same; to provide for civil and criminal penalties; and to provide for retroactive effect and validation.

By Senator Preuitt:

**S. 52.** To amend Section 21-1-2 of the Code of Alabama 1975, relating to the Alabama Institute for Deaf and Blind so as to provide that no member of the board of trustees shall receive compensation for serving; and to provide that said board of trustee members shall receive reimbursement for reasonable expenses incurred in attending meetings and performing duties.

By Senators Little, Hale, Dial, Barron, Langford, Foshee, Preuitt, Mitchell, Owens, Waggoner, Bedsole, Bailey, Amari, Windom, Bennett, Parsons, Denton, Bolling, Wilson, Lindsey, Horn, Floyd, Ellis, Ghee, and Smith (J):

**S. 193.** To authorize football coaches of public, four-year institutions of higher learning in this state to participate in the American

Football Coaches Retirement Trust 401(k) plan.

By Senator Horn:

**S. 248.** To amend Act No. 90-556 of the Regular Session, 1990, as it amended Act No. 89-79 of the Regular Session, 1989, as it amended Act No. 88-947 of the 1st Extraordinary Session, 1988, as it amended Act No. 87-761 of the Regular Session, 1987, as it amended Section 4 of Act No. 86-645 of the 1st Extraordinary Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

By Senator Horn:

**S. 208.** To amend Section 1-3-4, Code of Alabama, 1975, which provides for the definition of the fiscal year for the state, so as to change the date of said fiscal year; to provide for a nine-month implementation fiscal year from October 1, 1991 through June 30, 1992; to authorize the Governor to promulgate procedures he deems necessary to implement the provisions of this act; to provide that all appropriations made for the term that is the current lawful fiscal year 1991-92 shall be allotted to conform with the nine-month implementation fiscal year and the first quarter of the 1992-93 fiscal year; to provide that all sum certain distributions of tax revenue shall be made at 75% of the sum certain amounts during the implementation fiscal year; and to authorize conformity of dates with the new fiscal year as provided herein with the Code of Alabama, 1975.

By Senator Horn:

**S. 251.** To amend Section 41-4-17, Code of Alabama, 1975, as amended, so as to eliminate the State Capitol building from exception of rent.

By Senator Horn:

**S. 265.** To make supplemental appropriations to the Alabama Department of Economic and Community Affairs in the amount of Eight hundred forty-four thousand dollars (\$844,000) for the fiscal year ending September 30, 1991.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:



By Senator Ellis (With Amendment):

**S. 6.** To amend Section 13A-12-231, Code of Alabama 1975, which provides for the offense of trafficking in illegal drugs, so as to include amphetamine and methamphetamine within the offense.

By Senator Corbett (With Amendment):

**S. 7.** To amend Section 11-45-9.1, Code of Alabama 1975, which relates to the issuance of a summons and complaint by municipalities for violations of certain ordinances, so as to provide further for such violations.

By Senator Owens (With Amendment):

**S. 69.** To provide safety for all persons using the highways of this state by quickly suspending the driving privilege of those persons who have shown themselves to be safety hazards by driving with an excessive concentration of alcohol in their bodies; to guard against the potential for any erroneous deprivation of the driving privilege by providing an opportunity for administrative review, if requested, prior to the effective date of the suspension, and an opportunity for a hearing, if requested, as quickly as possible after the suspension becomes effective.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford:

**S. 72.** To provide that the governor of Alabama or his designee shall be empowered to allow the transfer of foreign nationals imprisoned in this state to the country of their citizenship subject to the terms of a valid treaty between the United States and that country.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Smith (J) and Mitchell:

**S. 75.** To amend Sections 32-6-250 and 32-6-251, Code of

Alabama 1975, which provide distinctive license plates for Medal of Honor Recipients and Prisoners of War, so as to include recipients of the Purple Heart Medal.

By Senator Langford:

**S. 23.** To amend Section 41-16-24 of the Code of Alabama 1975, relating to bids on public contracts, so as to provide for trade-in value to be credited against cost of certain replacement property.

By Senator Langford:

**S. 24.** To amend Section 41-4-113 of the Code of Alabama 1975, relating to the department of finance's procedures for obtaining supplies or materials for state departments, so as to provide further for such procedures.

By Senator Foshee:

**S. 106.** Relating to group health insurance coverage; to provide for the Alabama Insurance Board to negotiate such insurance for all residents and their dependents of the State of Alabama who wish to acquire such insurance and to provide for the composition of said board and the powers of the board; to provide for the particulars of any insurance plan adopted by the board; to authorize the board to promulgate rules and regulations; to provide for dependent coverage; to provide for benefits of the plan; and to make an appropriation.

By Senator Mitchell:

**S. 151.** To amend Section 1-3-8 of the Code of Alabama 1975, relating to the legal holidays in this state, so as to provide further for such holidays; and to provide for personal leave days for state employees in lieu of certain holidays.

By Senator Langford:

**S. 318.** Providing group health insurance for certain retired judges of probate in the state employees group health insurance plan and providing that such retired judges shall pay the entire cost for having such group health insurance during retirement.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on

the calendar, to-wit:

By Senators Windom and Smith (J) (With Amendment):

**S. 95.** To further provide for school attendance standards and the operation of motor vehicles by certain students; to provide for certain exceptions; to provide that the state board of education and each local school system shall develop and distribute guidelines and information to affected parties; and to provide for the conditions to revoke or deny certain students the privilege of operating a motor vehicle; to provide a citation for the act which this bill becomes; and to provide an effective date.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bennett:

**S. 302.** To create the Catastrophic Trust Fund for Special Education to be administered by the State Department of Education for the purpose of assisting local education agencies in providing special education services to children in catastrophic cases.

By Senators Waggoner and Amari:

**S. 194.** To amend Section 16-13-51, Code of Alabama 1975, relating to the apportionment of minimum program funds to be paid to county and city boards of education for the purpose of providing transportation to students, so as to permit the State Superintendent of Education to make exception to the two mile distance requirement to schools under certain conditions.

Senator Mitchem, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Bailey and Dial:

**S. 90.** To extensively revise the current Child Labor Laws relating to employment and the safety, health and welfare of persons 17 years of age and younger in the workplace; to update the state statutes to conform to the Federal Child Labor Standards Act, as revised; to repeal conflicting laws and specifically Sections 25-8-1 through 25-8-31, Code

of Alabama 1975, as amending the current Child Labor Laws; and to retain certain misdemeanor criminal penalties for violations.

Senator Mitchem, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Mitchem and Barron (With Substitute):

**S. 111.** To provide for licensure and regulation of the home building industry; to provide for examination and issuance of licenses; to provide for the Home Builders Licensure Board; to provide for licensing fees and penalties for violations; to authorize said board to prescribe administrative rules and regulations; to provide for revocation of licenses; to prescribe appellate procedure for board decisions and to exempt certain persons and entities from this act.

By Senators Barron, Mitchem, Preuitt, Bedsole, Bolling, Smith (J), Owens, Bailey, Lipscomb, Hale, and Horn (With Substitute):

**S. 122.** Relating to implied warranties which apply to the sale of new residential real estate and the waiver of implied warranties; to provide the intent of the legislature regarding this act; to provide that a purchaser of new residential real property may agree implied warranties shall not apply to such transactions; to provide legally sufficient language to exclude such transactions from implied warranties; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; and to provide for the severability of this act.

Senator Hilliard, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Hilliard:

**S. 133.** To provide for the "Alabama Safety Belt Use Act of 1991"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

Senator Hilliard, Chairperson of the Standing Committee on

Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Windom and Bedsole (With Amendment):

**S. 99.** Relating to certain harassing automated telephone use or solicitation; to prohibit the use of an automated system for the selection or dialing of telephone numbers and the playing of a recorded message when a connection is completed to a number called for the purpose of offering any goods, services or real estate for sale or lease when the same is not in response to calls initiated by the persons to whom the automatic calls or recorded messages are directed or if such automated telephone calls and messages are not in response to calls made concerning goods, services or real estate previously ordered, purchased or the subject of inquiry; to prohibit the use of an automated system for the replicated dialing of any telephone number resulting in the harassment of any person or persons at the number called; to provide that such unsolicited automated telephone calls shall be deemed a nuisance; to provide for disclosure of telephone company records to harassment victims and local law enforcement agencies and to provide the same may be used as evidence; and to provide for penalties for violations.

Senator Bolling, Chairperson of the Standing Committee on Consumer Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

**S. 81.** To amend Sections 28-3-1 and 28-3-187.1, Code of Alabama 1975, relating to alcoholic beverages, so as to define the term "brandy" and to exempt brandy from certain labeling requirements.

By Senator Little:

**S. 115.** To create an Alabama Clearinghouse for State Publications within the Alabama Public Library Service and provide for its operations, duties and authority; to authorize reasonable rules and regulations; to provide for the creation of state publications depositories; and to repeal section 41-6-12, Code of Alabama 1975, which requires the printing of 250 additional copies of state publications for use by the

Department of Archives and History.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Figures, Bedsole, Windom, and Lipscomb (With Notice and Proof):

**S. 293.** Relating to Mobile County; to amend Sections 1 through 9 of Act No. 974, S. 384, Regular Session 1961 (Acts 1961, p. 1550 et seq.); to confer on the Probate Courts of the county general and equity jurisdiction over certain estates concurrent with that of the Circuit Courts; to provide for the powers and authority of the Probate Judges and Chief Clerks of such Probate Courts; and to provide for the pleading and procedure in such estates, the enforcement of orders, judgments and decrees and appeals of same.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis:

**S. 12.** Providing that it shall be unlawful to discharge a firearm without certain permission within a certain distance of a school or occupied house, residence or dwelling and prescribing penalty for such offense.

By Senator Parsons:

**S. 31.** To define certain terms; to provide for the imposition of civil liability without fault upon a performer who incites a spectator to cause injury or death to another person; to provide also for the imposition of civil liability on the promoter for said injury or death; and to establish a cause of action and for the recovery of damages.

By Senator Smith (J):

**S. 46.** To provide a salary increase by the state for the official court reporters who are not covered by the state merit system, to provide an effective date and to limit cost-of-living increases for court reporters

who are affected by this act.

By Senator Mitchell:

**S. 48.** To amend Section 34-3-2.1, Code of Alabama 1975, relating to the graduates of certain law schools being authorized to take the bar exam, so as to provide further for such graduates and those teaching at such law schools.

By Senators Smith (J), Parsons, and Foshee:

**S. 76.** To amend Section 36-21-2, Code of Alabama 1975, which provides for subsistence allowances for certain law enforcement officers, so as to provide a subsistence allowance for any law officer of the State of Alabama who is employed by the Department of Corrections.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Hale and Barron (With Substitute):

**S. 82.** To amend Sections 8-20-4, 8-20-5, 8-20-7, 8-20-9 and 8-20-11, Code of Alabama 1975, which relate to the Motor Vehicle Franchise Act, so as to provide further for unfair and deceptive trade practices, terminations and nonrenewals of franchise relationships, the warranty obligations to dealers and the amount of civil damages.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Owens:

**S. 87.** To authorize the department of revenue to promulgate through the provisions of the Alabama Administrative Procedures Act, rules and regulations relating to enforcement of statutes dealing with issuance of licenses as provided for by Chapter 12 of Title 40, Code of Alabama 1975.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on

the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Bailey, Parsons, and Hale (With Amendment):

**S. 96.** To amend Sections 7-1-201, 8-25-1 and 8-25-3, Code of Alabama 1975, relating to rental-purchase agreements and the Alabama Uniform Commercial Code, so as to exclude such agreements from coverage of the Alabama Uniform Commercial Code provisions relating to security interests and to authorize certain practices by rental-purchase merchants.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Hale, Dixon, Lipscomb, and Ellis:

**S. 134.** Relating to amending the definition of peace officer and state trooper in the Code of Alabama 1975 for purposes of compensation for death and disability so as to include probation and parole officers and forensic sciences law enforcement officers; to amend Section 36-30-1 of the Code of Alabama 1975, relating to the definition of peace officer so as to include law enforcement officers of the department of forensic sciences and state probation and parole officers in such definition in the event any such officer is killed either accidentally or deliberately in the performance of his duties; and to amend Section 36-30-20 of the Code of Alabama 1975, relating to the definition of state trooper so as to include state probation and parole officers of the Alabama board of pardons and paroles and law enforcement officers of the state department of forensic sciences in such definition in the event of death or disability from occupational diseases.

By Senator deGraffenried:

**S. 137.** To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1989 Special Session and the 1990 Regular Session of the Legislature, as contained in the 1990 Cumulative Supplement to certain volumes of the Code and in the 1990 Replacement Volume 14 of the Code; and to make corrections in certain volumes of such cumulative supplement.



By Senators Corbett, Denton, Langford, Foshee, Windom, Hilliard, Campbell, Parsons, Ghee, Wilson, Floyd, Lindsey, and Bennett:

**S. 147.** To amend further section 25-4-78, Code of Alabama 1975, relating to disqualifications for unemployment compensation benefits effective January 1, 1991, so as to remove lockout from the disqualifications.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Substitute):

**S. 28.** To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care institutions so as to include hospices and to provide further for the advisory board.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

**S. 58.** To create the Respiratory Care Act and to provide for definitions, qualifications, examination, and licensing of persons administering respiratory care and for waivers from examination and licensing; to provide for the powers, duties and responsibilities of the Alabama State Board of Respiratory Care; to provide for the appointment, term, qualification and meetings of the board; to create a special fund for receipts collected by the board; to provide for the administration of said fund; to make appropriations from the Alabama State Board of Respiratory Care Fund to the Alabama State Board of Respiratory Care; to provide for issuance and renewal of licenses and temporary licenses; to provide for prohibited acts and penalties; to provide for fees; to provide for causes and procedures for disciplinary action; to prohibit false representation of licensure; to provide criminal penalties for certain violations; to provide for exemptions; and to provide for related matters.

By Senator Hale:

**S. 176.** To amend section 38-2-6, Code of Alabama 1975,

relating to the duties, powers and responsibilities of the Alabama state department of human resources, so as to provide for establishing rules and standards for inspection and approval of adult foster care homes and adult day care centers and homes.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Waggoner (With Amendment):

**S. 309.** To create the "Alabama Clean Indoor Air Act," to protect the public health, comfort and environment and promote the above by reducing involuntary exposure to tobacco smoke in public places.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried (With Amendments):

**S. 80.** To be known as the Alabama alcoholic beverage control code; to regulate and control transactions in alcoholic beverages which take place in Alabama by alcoholic beverage control board; to provide for an alcoholic beverage control board; to regulate and control transactions in alcoholic beverages which take place in Alabama and to prohibit such transactions except by and under the control of the board; to restrict the effect of the Code to wet counties and wet municipalities; to provide for the administration, functions, powers and regulations of, and for receipt, disposition and use of profits of the board; to provide for the appointment, term of office, suspension, removal, compensation, costs and expenses of such board and its members, officers, agents and employees, and its administrator; to provide for the management and operation of and sales by state liquor stores; to provide for and fund an inventory fund for the board; to create a cost of evidence fund and provide for use thereof; to authorize licensing to engage in alcoholic beverage transactions, and provide for regulation for, and issuance and renewal of, and regulation of the grant of licenses; to impose and levy state, and authorize and limit county and municipal, filing and license fees for engaging in manufacture, import, warehousing, wholesale or retail sale

of or transactions in alcoholic beverages; to proscribe unlawful acts and offenses and provide for punishment therefor; to prescribe penalties for any violation of the Code or any rule or regulation promulgated by the board and to provide punishment and alternate punishment therefor, including suspension or revocation of licenses and fines against licensees; to provide for non-taxable sales; to provide for refund on overpayment or erroneous payment on taxes and licenses to the board or any county or municipality; to provide penalties for failure to pay taxes collected and for execution for unpaid taxes and penalties; to provide for identification of certain alcoholic beverages and penalties for possession of unidentified alcoholic beverages and for the counterfeit or reuse of Alabama identification; to provide for licensee reports, records and inspections; to provide for confiscation of unidentified alcoholic beverages and vehicles used for transportation of unidentified alcoholic beverages and for the procedure for confiscation; to provide for an election to determine classification of county as wet or dry county; to provide for special method referendum to determine classification of county as wet or dry county and to impose conditions governing sales under special method; to provide for municipal option election to determine classification of municipalities as wet or dry municipalities; to provide for the separation of business interests and exclusive sales territories; to provide for regulation of advertising alcoholic beverages; to define terms and to establish a legal drinking age; to repeal Chapters 1, 2, 2A, 3A, 6 and 8, and Chapter 3 except sections 28-3-184, 28-3-190, 28-3-200 through 205, inclusive, 28-3-280, 28-3-281 and 28-3-284, and Chapter 7 except section 28-7-16, Title 28, Code of Alabama 1975, as amended, and all other conflicting or inconsistent laws or parts of laws, but shall not repeal or amend Title 28, Chapter 9, Code of Alabama 1975, as amended; to amend Title 28, Chapter 4, Code of Alabama 1975, to make the same consistent with the provisions of this Code; and to provide that the Code shall become effective on October 1, 1991.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis:

**S. 77.** To provide a comprehensive system of law applicable to all counties in this state defining the powers of any such counties to construct improvements or reimprovements consisting of streets or any portions thereof, sanitary sewers and sewer systems and water and gas

mains and service connections, drainage improvements or drainage systems and the filling in of swamps or inundated or overflowed or submerged lands, ornamental lighting systems or white way systems of lighting and the construction, acquisition, improvement and extension of seawalls, dikes, levees and embankments in such counties; to provide a method for the assessment of the cost of any such improvement against the property abutting on, or drained, served, or benefited by such improvement; to require the adoption of a resolution describing the improvement and the property abutting on, or the area to be drained, served or benefited by such improvement; to require the filing of plans and specifications for such improvement; to provide for publication and mailing of notice of the adoption of the said resolution; to provide for a public hearing on such improvement; to provide for payment of the cost of the improvement; to provide for the establishment of the grade of certain streets, avenues, alleys or sidewalks to be improved; to provide for public advertisement for bids for the construction of the improvement unless the county shall perform the work or provide materials from its own resources; to provide that the county commission must accept or reject work on the part of the county; to provide for supervision of the work; to provide for the levy of assessments on the property abutting on or drained, served or benefited by any improvement; to provide for the assessment against lands purchased by the state; to provide the manner of assessments generally; to provide for improvements of intersections of streets, avenues or other highways; to provide for sidewalk improvements; to provide for the preparation of a list of owners and parcels to be assessed, and publication of notice of such list; to provide for the entry of the list in an assessment book for local improvements; to provide for the delivery of the assessment book to the county clerk and the publication of notice as to delivery and inspection of such book; to provide for notice of hearing of objections; to provide for the contents of the notice as to the hearing on assessments for improvements; to provide for any defects or errors therein; to provide for the filing of written objections to assessments by property owners; to provide for a hearing on the proposed assessments and making the same final; to provide for the powers of the commission as to the subpoena of witnesses; to provide for the establishment of a lien on the property subject to the assessments and for the priority thereof; to provide for the reduction or abatement of certain assessments; to provide for procedures with respect to erroneous assessments and assessments in excess of benefits derived; to authorize the transfer and assignment of such liens, and for the enforcement thereof; to specify other provisions with respect to such liens; to provide for the effect of enforcement of tax liens upon property subject to assessment liens and the duration of assessment liens; to provide for the effect of sale of property for enforcement of an assessment lien upon other assessment liens upon the same property; to provide a system for

appeals from the making of such final assessment; to provide for bond on appeal; to provide for entry on trial docket of appeal; to provide for the transcript for appeal; to provide for prima facie evidence on appeal; to provide for the conduct of appeal, right of jury trial and the entry of judgment and assessment of costs generally; to provide for the entry of judgment for amounts properly chargeable against lands where the assessment is defective; to provide for appeals from the judgment of the circuit court; to provide for the addition of interest and damages upon affirmance of judgment for the county; to provide that the county may appeal from any judgments of the circuit court without giving bond; to provide for the issuance of execution and order of sale upon entry of final judgment in favor of the county; to provide a system for payment of all such assessments and for default in such payments; to provide for proceedings for sale of land upon failure of owner to pay assessment; to provide for the payment of assessments prior to sale; to provide that the costs of notice and sale are to be charged against the land; to provide for the execution of a deed to the purchaser at such sale; to provide for the effect of error and defect of notice of sale; to provide for the redemption of property after sale generally; to provide for the extension of the redemption period; to provide for the application for filing of certificate of warning to redeem upon the record of local improvement assessment sale deed; to provide for the mailing of copies of deed and certificate to persons last assessed upon property described in deed by probate judge; to provide for the redemption of property during extended redemption period; to provide for the performance of duties of the probate judge; to provide for the redemption of property; to provide for the making of temporary loans or issuance of bonds before or during progress of work to pay for cost of improvement; to provide for the issuance of bonds after completion of work; to provide for the applicability of provisions of law as to issuance of county bonds generally; to provide for the issuance of bonds generally; to provide for the maturity and payments of such bonds; to provide for the disposition of proceeds from the sale of bonds; to provide for the grouping of improvements for the issuance of bonds; to provide for the maintenance and disposition of sinking fund accounts for bond issues; to provide for the bond of the officer charged with the collection of assessments; to provide for the redemption of bonds; to provide for the refunding of excess assessments; to provide a limitation period for presentation of claims and disposition of amounts not refunded; to provide for the settlement, adjustment or refunding of bonds; to provide for the consolidation of separate outstanding issues or issuance of refunding bonds; to provide for the maintenance and disposition of sinking fund accounts for refunding bond issues; to grant to any county the right of eminent domain with respect to improvements; to provide that this act shall not affect the powers of counties to compel property owners to repair sidewalks; to provide for apportionment of

assessments against property for public improvements among joint owners thereof; to provide for a petition of a tenant in common for division of an assessment among joint owners of property; to provide for a division of assessment among the tenants in common; to provide for a notice to property owners of division of assessment; to provide for appeals from division of assessment; to provide for correction of description of ownership of property and reduction of an assessment; to provide for the effect of reduction upon an assessment lien; to provide for the effect of annexation and incorporation of an area in which assessments have been made; to amend section 11-28-3, Code of Alabama 1975, as amended, relating to the issuance of warrants by counties so as to provide for the pledge of assessments for the benefit of such warrants; to provide for severability of the provisions of this act; and to establish the effective date of this act.

By Senator Owens:

**S. 73.** To amend Section 17-4-153 of the Code of Alabama 1975, which relates to compensation paid members of boards of registrars, so as to alter the amount paid as a mileage allowance and to provide for reimbursement for registration expenses incurred in attending continuing education programs.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis (With Amendment):

**S. 8.** To amend Section 31-2-13, Code of Alabama 1975, relating to military service benefits for military officers and employees, so as to extend the paid military leave days in certain circumstances.

By Senator Little (With Amendment):

**S. 164.** To amend Act No. 90-624, H. 570, 1990 Regular Session, codified as Section 36-29-14, Code of Alabama 1975, which provides the procedure for officers, employees and retirees of certain cities, towns, fire districts, water and fire authority districts and the Alabama League of Municipalities to be covered under the state employees' health insurance plan, so as to include employees of regional planning and development commissions within the coverage.

Senator Denton, Chairperson of the Standing Committee on

Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

**S. 169.** To authorize county commissions to establish relief funds for the benefit of certain retired sheriffs.

By Senator Floyd:

**S. 300.** To provide that probate record files be consolidated into one well-bound record book.

By Senator Bedsole:

**S. 50.** To reopen the Employees' Retirement Systems of Alabama in order to allow certain active and contributing members previously employed by the Mobile Police Department to claim and purchase credit for prior service; to provide manner of claiming creditable service; and to provide for its termination.

### RESOLUTIONS

Senator Denton offered the following Senate Resolution, to-wit:

**SR 36.** COMMENDING DIRECTOR DEBBIE TAPSCOTT-WALLS AND THE SHOALS SCHOOL OF GYMNASTICS.

Which was filed.

Senators Waggoner and Amari offered the following Senate Resolution, to-wit:

**SR 37.** CONGRATULATING THE REVEREND AND MRS. JACK F. DOUGLAS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Which was filed.

Senator Horn offered the following Senate Joint Resolution, to-wit:

**SJR 38.** COMMENDING COACH HAYWOOD SCISSUM OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature, in highest commendation and esteem, congratulates Haywood Scissum of Tuskegee, Alabama, a charter inductee into the Alabama High School Sports Hall of Fame; and

WHEREAS, a native of Attalla, Alabama, Haywood Scissum is a graduate of Tuskegee Institute, and is a United States Navy veteran with service during World War II from 1943 to 1946; and

WHEREAS, Coach "Big Train" Scissum, as he is widely known, is a former football coach at East Highland High School of Sylacauga where he posted a career record of 135-29-1 during his 18-year tenure, including the unforgettable 1969 9-0 season which resulted in 499 points for East Highland and just six points for their opponents; and

WHEREAS, East Highland, under Coach Scissum, had three undefeated seasons and only one losing season in 18 years; compiled a 34-game winning streak in the 1960s; and won the Northeastern Inter-scholastic Athletic Association football championship nine times, with Coach Scissum winning district Coach of the Year honors nine times while at East Highland; and

WHEREAS, he also coached track for three years during which time East Highland won two state championships and finished second the other year; and

WHEREAS, Coach Scissum is now retired from active coaching after serving from 1970 to 1981 as head coach at Tuskegee University where his 66-48-1 record is second on the University's all-time win list; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Haywood "Big Train" Scissum for outstanding achievement; we further congratulate him on his induction into the Inaugural Alabama High School Sports Hall of Fame, and direct that he receive a copy of this resolution of sincere praise and esteem.

On motion of Senator Horn, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Horn, Hilliard, Waggoner, Amari, Parsons, and Bennett offered the following Senate Joint Resolution, to-wit:

**SJR 39. COMMENDING COACH W. H. "CAP" BROWN OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.**



WHEREAS, the Alabama Legislature, in highest commendation and esteem, congratulates W. H. Brown of Birmingham, Alabama, a charter inductee into the Alabama High School Sports Hall of Fame; and

WHEREAS, a native of Hartford, Alabama, W. H. Brown left school at the age of 15 to join the United States Army and served during World War II for 38 months, 27 of which were overseas with the 10th Armored Division; he also was in combat four times including the Battle of the Bulge; and

WHEREAS, he returned to school following the war, graduating from Fairfield Industrial High School, and from Tuskegee University where he was a four-sport letterman; he played professional baseball with the Birmingham Black Barons, Indianapolis Clowns and the Organized Ball minor leagues; and

WHEREAS, Coach "Cap" Brown, as he is widely known, has been head basketball coach at A. H. Parker High School since 1959, with the exception of two years as football coach, where his teams have won more than 700 games, two state championships and one national championship; and

WHEREAS, among many of Coach Brown's memorable seasons at Parker High School was the 1964 season in which his team lost the season opener, but went on to win 43 straight games and the state and national championships; and

WHEREAS, other highlights of Coach Brown's career, in 31 years at Parker High, include the Alabama Interscholastic Athletic Association state championship, the National Black Tournament championship, and a two-year winning streak of 56 consecutive games; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Coach W. H. "Cap" Brown of Birmingham, Alabama, for outstanding achievement; we further congratulate him on his induction into the Inaugural Alabama High School Sports Hall of Fame, and direct that he receive a copy of this resolution of sincere praise and esteem.

On motion of Senator Horn, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Hale offered the following Senate Joint Resolution, to-wit:

**SJR 40. COMMENDING CHESTER FREEMAN OF CULLMAN, ALABAMA.**

WHEREAS, Chester Freeman has devoted most of his adult life to the service of his church, family, community and fellowman; and

WHEREAS, Chester Freeman has served the Cullman Lions Club as a member for 35 years and as past president; he also is a former Lion of the Year on both local and district levels, past president of Alabama Sight, an attendant at sixteen (16) Lion Club International Conventions, and has chaired virtually all Lions Club committees; and

WHEREAS, Chester Freeman is a past president of the Cullman County Fair Association, having served two terms in said office; a former president of the Alabama State Association of Fairs; and past president of North American Federation of Fairs; and

WHEREAS, further, Chester Freeman has served the park and recreation community on local, state and national levels; as past chairman, Cullman County Parks and Recreation Board; past president of Alabama Park and Recreation Board; and past president of the National Parks and Recreation Association; and

WHEREAS, Chester Freeman has served the business and educational communities in such capacities as past chairman of the Cullman County Industrial Development Board; as the current first vice president, Cullman County Chamber of Commerce; and is now serving as a member of the Wallace State Community College Advisory Board; and

WHEREAS, Chester Freeman is an active member of Saint Andrews United Methodist Church, Cullman, Alabama, where he serves as chairman of the Board of Stewards, chairman of the Finance Committee, and as a Sunday School teacher for many years; and

WHEREAS, October 8, 1990, was designated and observed as Chester Freeman Appreciation Banquet Day at Wallace State Community College; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby most highly honor and congratulate Chester Freeman for outstanding service to community and county; for distinguished service to his fellow Cullman Countians, fellow Alabamians and fellow Americans; and for dedicated service to all mankind.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be

spread upon the Journals of both the Alabama State Senate and House of Representatives that all may see and know the high esteem in which Chester Freeman is held by members of the Alabama Legislature and all citizens of the State of Alabama.

RESOLVED FURTHER, That a copy of this resolution be forwarded to Mr. Freeman and members of his family that they may be aware of the respect and honor bestowed upon him by the Alabama State Senate and the Alabama House of Representatives in joint concurrence.

On motion of Senator Hale, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Hale and Bennett offered the following Senate Resolution, to-wit:

**SR 41. COMMENDING BOB W. WALDEN OF MONTGOMERY FOR DISTINGUISHED SERVICE TO PUBLIC EDUCATION IN THE STATE OF ALABAMA.**

Which was filed.

Senators Hilliard, Bennett, Horn, Langford, and Campbell offered the following Senate Joint Resolution, to-wit:

**SJR 42. DIRECTING THE LEGISLATIVE COUNCIL TO INTERVENE IN CIVIL ACTION, CASE NO. 91-277 PENDING IN MONTGOMERY COUNTY WHICH CHALLENGES THE APPROPRIATION OF CERTAIN STATE FUNDS.**

WHEREAS, the Alabama Legislature is charged by the Alabama Constitution with the duty of appropriating state funds; and

WHEREAS, Act No. 90-648 and Act No. 90-653 were enacted by the Legislature in the 1990 Regular Session; and

WHEREAS, said Acts have been challenged as unconstitutional in Civil Action, Case No. 91-277 and is currently pending in Circuit Court in Montgomery County; and

WHEREAS, said cause of action was filed against the Honorable Guy Hunt, as Governor; Robin Swift, as Finance Director; Robert Chidree, as State Comptroller; and Jimmy Evans, as Attorney General; and

WHEREAS, the foregoing defendants have evidenced little, if any,

interest in the defense of said action; and

WHEREAS, duly-enacted laws are presumed to be constitutional, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby direct the Legislative Council to intervene in Civil Action, Case No. 91-277, styled Parsons v. Honorable Guy Hunt, et. al. on behalf of a majority of members of the duly-elected Alabama Legislature and further direct the Legislative Council to defend the constitutionality of Acts No. 90-648 and 90-653.

BE IT FURTHER RESOLVED, That the Legislative Council is hereby authorized to request the Attorney General of the State of Alabama to provide legal assistance for the Council or is authorized to employ outside legal assistance to assist the Council in this action as deemed necessary.

BE IT FURTHER RESOLVED, That expenses incurred by the Legislative Council pursuant to this resolution shall be payable from any funds appropriated to the Legislature.

On motion of Senator Hilliard the Rules were suspended and the Resolution was adopted by the Senate.

Senator Hilliard offered the following Senate Joint Resolution, to-wit:

**SJR 43. URGING THE PROMPT IMPLEMENTATION OF AN INFORMATION SYSTEM NECESSARY TO ASCERTAIN THE IMPACT OF PROPOSED LEGISLATION ON THE STATE JUDICIAL AND CORRECTIONAL SYSTEMS.**

WHEREAS, the number of persons in the custody of Alabama's Department of Corrections has increased from 14,200 in March, 1990 to 16,045 in March, 1991; and

WHEREAS, there is a backlog of 1,360 state prisoners in county jails as of March, 1991; and

WHEREAS, a number of bills are considered by the Legislature each year that would impose mandatory sentences, increase sentences for certain crimes, increase sentences for crimes committed under certain circumstances and establish new classifications of crimes; and

WHEREAS, the Legislature needs detailed information as to the fiscal effect of said proposed bills on the Judicial System and the Correctional facilities and agencies within the State; and

WHEREAS, the information needed to provide reliable and detailed analysis on said bills is not collected, reported or readily available; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the Administrative Office of the Courts and the Department of Corrections to promptly implement a uniform system of collecting and reporting information pertaining to the arrest, conviction and sentencing of persons in the judicial and correctional systems. Such reporting system should be designed in such a way as to accurately and uniformly capture data necessary to analyze the effect of legislation that would alter sentences for crimes or establish new classifications of crimes.

BE IT FURTHER RESOLVED, That we hereby urge the Board of Pardons and Paroles, District Attorneys, and the Legislative Fiscal Office to cooperate fully with the Administrative Office of the Courts and the Department of Corrections in the development and implementation of a reporting system necessary to provide the information needed for analyzing the effect of potential legislation.

BE IT FURTHER RESOLVED, That we hereby urge the implementation of such a reporting system prior to the convening of the 1992 Regular Session if possible.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to the Honorable Chief Justice Sonny Hornsby; Commissioner Morris Thigpen of the Department of Corrections; Mr. Joel Barfoot, Chairman of the Board of Pardons and Paroles; Mr. Bryan Morgan, Executive Director of the Office of Prosecution Services, for distribution to all District Attorneys of the State; and Joyce Bigbee, Director of the Legislative Fiscal Office.

On motion of Senator Hilliard the Rules were suspended and the Resolution was adopted by the Senate.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 79.** To establish the requirements for informed consent for HIV testing; to provide that informed consent shall be implied under certain stated factual circumstances; to provide for counseling, referral to appropriate health care services, and explanation of individual responsibility shall be provided to any individual testing positive for HIV; and to provide for the confidentiality of HIV test results.

JIM PREUITT,  
Chairperson.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 11.** MOURNING THE DEATH OF DEAL WAMBLES OF DOTHAN, ALABAMA.

Also:

**SJR 12.** DESIGNATING "THE MIRACLE WORKER" AS THE OFFICIAL OUTDOOR DRAMA OF THE STATE OF ALABAMA.

Also:

**SJR 15.** COMMENDING THE UNITED METHODIST CHILDREN'S HOME, 1891-1991.

Also:

**SJR 16.** COMMENDING BEA VOLKMAN OF MOBILE FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

**SJR 17.** COMMENDING THE MOBILE THEATRE GUILD AND DIRECTOR MICHAEL MCKEE FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 19. COMMENDING COACH RUDY ABBOTT OF JACKSONVILLE STATE UNIVERSITY FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.**

Also:

**SJR 20. NAMING THE GYMNASIUM AT COLLINSVILLE HIGH SCHOOL, COLLINSVILLE, ALABAMA, IN HONOR OF L. D. DOBBINS.**

Also:

**SJR 21. DESIGNATING THE DYNE CREEK COMMUNITY.**

**JIM PREUITT,**  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **BUDGET ISOLATION RESOLUTION**

Senator Smith (J), B.I.R., SB 60, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuitt, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nays:

- 0

### **BILLS ON THIRD READING**

**THE BILL:**

**S. 60** Relating to Limestone County and the regulation and operation of privately-owned or controlled regional landfills for solid

waste so as to further provide for such solid waste landfill operation and location within the county; providing that any such regulation and restriction shall be cumulative to any other provisions of law, rule or regulation on solid waste; and requiring the Limestone County Commission to call for a referendum election on the question of location or acceptance of any privately-owned or controlled regional landfill within the county prior to such operation, location or acceptance; and providing severability and effective date.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Preuit, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-25

Nays:

- 0

#### UNFINISHED BUSINESS

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**S. 135.** To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, so as to permit municipal and county funds to be invested in certain open-end or closed-end investment trusts which are invested in direct obligations of the United States of America or repurchase agreements respecting such U. S. obligations.

And said Bill, SB 135, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-26



Nays:

- 0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Rogers:

**HJR 7. PROVIDING FURTHER FOR EXPENSE ALLOWANCES AND PER DIEM.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the Legislature shall be entitled to and shall be paid fifty dollars (\$50) per diem for five days during each week that the Legislature actually meets during any regular session, special session or organizational session. Each member of the Legislature shall be entitled to and shall be paid fifty dollars (\$50) per diem for the performance of his or her duties as a member of any duly authorized interim legislative committee or subcommittee thereof. Such payment is conditioned upon actual attendance at scheduled interim committee meetings or authorized scheduled subcommittees thereof and approved by the chairman as provided by law.

BE IT FURTHER RESOLVED, That each member of the Legislature shall continue to receive the monthly expense allowance established by Act No. 87-209, H.J.R. 287 of the 1987 Regular Session (Acts of 1987, p. 298), provided, however, that such monthly allowance shall be increased at the same percentage rate of 20%.

RESOLVED FURTHER, That each member of the Legislature shall be entitled to and shall be reimbursed for actual expenses incurred in the performance of his or her duties outside the State of Alabama. Such reimbursement shall be in addition to the per diem expense allowance of fifty dollars (\$50) per diem provided in this act. In addition to the expense allowances, the presiding officers shall be entitled to the reasonable expense allowance provided by Act No. 1196 of the 1971 Regular Session of the Legislature.

RESOLVED FURTHER, That the provisions of Act No. 87-209, H.J.R. 287 of the 1987 Regular Session (Acts of 1987, p. 298) are repealed only to the extent there is a conflict herewith.

## AMENDMENT TO HJR 7

Amend HJR 7, on page 2, immediately following line 9 by adding the following language:

BE IT FURTHER RESOLVED, That the compensation paid to members of the Legislature shall not be increased during their term of office after the passage of HJR 7. Any future increase in compensation to members of the Legislature shall be set for the succeeding term of office.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Senator Corbett, the Resolution, HJR 7, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

Yeas 15 Nays 14

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, Floyd, Hilliard, Horn, Langford, Lindsey, Mitchell, Sanders, Smith (B), and Wilson -15

Nays:

Senators:

Amari, Bolling, deGraffenried, Denton, Ellis, Ghee, Hale, Lipscomb, Little, Owens, Preuit, Smith (J), Waggoner, and Windom -14

## RECESS

At 11 o'clock A.M., on motion of Senator Windom, the Senate took a recess subject to the call of the Chair.

At 11:30 A.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

## RESOLUTIONS

Senator Little offered the following Senate Joint Resolution, to-wit:

**SJR 44. MOURNING THE DEATH OF JACK MCDONALD DUNLOP OF AUBURN, ALABAMA.**

WHEREAS, the Legislature of Alabama grievously records the death of Jack McDonald Dunlop of Auburn, Alabama, on March 12, 1991, at the age of 75 years; and

WHEREAS, a native of Birmingham, Mr. Dunlop was a graduate of Auburn University and a United States Army veteran who served six and one-half years in the Field Artillery and was honorably discharged as a lieutenant colonel in 1946; and

WHEREAS, Mr. Dunlop, after leaving the military, worked for a short period of time with Creole Petroleum Corporation in Venezuela before returning to Alabama and settling in Lee County where he formed a real estate and development company, Dunlop and Harwell, with his wife, Lib Harwell Dunlop; and

WHEREAS, as a pioneer in the development of Auburn, Opelika and Lee County, Mr. Dunlop was involved in numerous residential and commercial developments in the area and, as his successful business grew, so did his many contributions to the real estate profession on the local, state and national levels; and

WHEREAS, he was the founder and twice president of the Lee County Board of Realtors; was named Lee County Realtor of the Year on two occasions and 1967 Alabama Realtor of the Year; served as president of the Alabama Association of Realtors in 1967; was elected in 1985 as regional vice president of the National Association, representing four Southeastern states as well as Puerto Rico and the Virgin Islands; and was the Alabama Association's 1989 recipient of the prestigious David D. Roberts Award; and

WHEREAS, Jack Dunlop, however, also assumed a leadership role in the community as a director of SouthTrust Bank, chairman of the Red Cross drive, president of the Auburn Chamber of Commerce, alumni advisor to Delta Sigma Phi Fraternity and as a member of the Auburn Lions Club for 38 years and an active member of Auburn United Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Jack McDonald Dunlop of Auburn, Alabama, and express deepest and sincere sympathy to his wife, Mrs. Elizabeth Harwell Dunlop; daughter, Jacqueline D. Durden; sons, Daniel M., II, and William Dunlop; to his grandchildren; and to other family members, whose sorrow we share and for whom a copy of this resolution of condolence shall be provided.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Corbett offered the following Senate Joint Resolution, to-wit:

**SJR 45. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the provisions of HJR 7 of the 1991 Regular Session shall be applicable to the Lt. Governor of Alabama.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 20 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Preuit, Smith (B), Waggoner, Wilson, and Windom -20

Nays:

- 0

Senators Denton, Corbett, and Campbell offered the following Senate Joint Resolution, to-wit:

**SJR 46. URGING THE CONGRESS TO ENACT THE STRIKER REPLACEMENT LEGISLATION.**

WHEREAS, American union workers' right to bargain collectively, fundamental to our way of life, is being challenged by the greatest management resistance to unionization in more than 50 years; and

WHEREAS, it was the intent of Congress, more than half a century ago, to provide an equal balance of power between workers and their employers by passing the National Labor Relations Act; and

WHEREAS, the act ensures that workers may withhold their labor in the form of a strike if they are unable to reach an agreement with their employers through ordinary bargaining techniques; and

WHEREAS, it is the public policy of this nation that the strike is a legal form of protest by workers against their private sector employers; and

WHEREAS, it is clearly the intention of workers who use this form of protest to return to their jobs once the dispute has been resolved; and

WHEREAS, employers across the United States have increasingly taken advantage of a legal loophole to deny economic strikers that opportunity to return to work by hiring permanent replacement workers at the beginning of, or even in advance of, a strike; and

WHEREAS, such actions appear to be clear efforts to destroy unions as legal bargaining representatives of the workers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the Alabama Congressional Delegation to enact the Striker Replacement Legislation which restores the balance between workers and their employers and prohibits the firing of workers who exercise their legal right to strike.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to all members of the Alabama Congressional Delegation to urge their quick action to redress this problem.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Haynes, Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos,

Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 83. URGING THE SECRETARY OF THE U. S. DEPARTMENT OF AGRICULTURE TO EXTEND HIS AGENCY'S PERSONNEL AGREEMENT WITH THE STATE OF ALABAMA REGARDING ANDREW P. HORNSBY, JR.**

WHEREAS, as the result of an agreement between the United States Department of Agriculture and the State of Alabama, an employee of the Department of Agriculture, Andrew P. Hornsby, Jr., has been serving as Commissioner of the Alabama Department of Human Resources since January 1987; and

WHEREAS, in his position as Commissioner of Human Resources, Mr. Hornsby has demonstrated administrative excellence that has greatly benefitted the people of Alabama, particularly the poor, the elderly, and children; and

WHEREAS, the return of Mr. Hornsby to federal service at this time could result in a degradation in the operations of the Alabama Department of Human Resources and reductions in the agency's services to Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the collective wish of the Alabama Legislature that Mr. Hornsby remain in this state as Commissioner of Human Resources for an additional two years.

BE IT FURTHER RESOLVED, That the Secretary of the U. S. Department of Agriculture and other appropriate federal officials are urged by the Alabama Legislature to take whatever actions are necessary to allow Mr. Hornsby to remain in Alabama under a cooperative state-federal agreement.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Hale, the Resolution, HJR 83, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 64. RELATIVE TO MEETING DAYS.**

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 6. HONORING HARRY B. BROCK, JR., OF BIRMINGHAM, ALABAMA.**

Also:

**HJR 14. COMMENDING DELL McRAE OF MONTGOMERY, ALABAMA, FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE AND THE STATE OF ALABAMA.**

Also:

**HJR 26. COMMENDING THE ALABAMA DEPARTMENT OF HUMAN RESOURCES FOR HAVING THE NATION'S BEST CHILD SUPPORT PROGRAM.**

Also:

**HJR 27. DESIGNATING TOURISM WEEK 1991, IN THE**

## STATE OF ALABAMA.

Also:

**HJR 51.** MOURNING THE DEATH OF CARL S. FARMER OF ABBEVILLE, ALABAMA.

Also:

**HJR 44.** PROVIDING FOR REIMBURSEMENT OF EXPENSES INCURRED BY CERTAIN MEMBERS THAT ATTENDED THE 1991 LEGISLATIVE BUDGET HEARINGS.

Also:

**HJR 52.** COMMENDING THE UNITED METHODIST CHILDREN'S HOME, 1891-1991.

Also:

**HJR 54.** COMMENDING LOUIS G. GREENE FOR DISTINGUISHED SERVICE TO THE LEGISLATURE AND TO THE STATE OF ALABAMA.

Also:

**HJR 16.** REQUESTING GENERAL COLIN L. POWELL AND GENERAL H. NORMAN SCHWARZKOPF TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

**HJR 18.** COMMENDING EARLIE RICH ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

**HJR 19.** COMMENDING REAVER BROWN ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

**HJR 20.** COMMENDING EVELYN RICH ON THE OCCASION OF HER RECOGNITION BY FELLOWSHIP PRES-



BYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

**HJR 22.** COMMENDING HEAD COACH HAROLD MURRELL OF ATHENS STATE COLLEGE FOR OUTSTANDING ACHIEVEMENT.

Also:

**HJR 46.** COMMENDING JEFFREY H. NEWMAN FOR DISTINGUISHED SERVICE TO THE MOBILE COMMUNITY.

Also:

**HJR 47.** COMMENDING SADIE W. SMITH OF MOBILE, ALABAMA, FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.

Also:

**HJR 56.** COMMENDING KEITH SWENDENBURG OF ETHELSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

**HJR 57.** MOURNING THE DEATH OF WALTER FREDERICK EIGENBROD OF HUNTSVILLE, ALABAMA.

Also:

**HJR 58.** COMMENDING J. D. ROBINSON OF NORTH JEFFERSON COUNTY LODGE #59, FRATERNAL ORDER OF POLICE.

Also:

**HJR 59.** DESIGNATING "TALK ABOUT PRESCRIPTION MONTH" IN ALABAMA, AND "ALABAMA PHARMACY WEEK."

Also:

**HJR 8.** COMMENDING JAMES W. HORTON, JR., OF WILMER, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

**HJR 9.** NAMING THE "HOSEA O. WEAVER BRIDGE" IN SEMMES, ALABAMA.

Also:

**HJR 12.** COMMENDING BILLY FRED LIPHAM OF NEWELL, ALABAMA, FOR OUTSTANDING HEROISM.

Also:

**HJR 17.** COMMENDING CAROLYN G. WRIGHT OF EMPIRE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

**HJR 23.** CONGRATULATING THE ATHENS STATE COLLEGE BEARS ON THE NAIA DISTRICT 27 CHAMPIONSHIP.

Also:

**HJR 24.** COMMENDING MARIE ANDREWS MCCONNELL, MOBILE'S FIRST LADY FOR 1990.

Also:

**HJR 25.** COMMENDING ERNEST CARTER FOR DISTINGUISHED SERVICE TO HIS FELLOWMAN.

Also:

**HJR 28.** COMMENDING JOHN R. WHALEY OF JACKSONVILLE HIGH SCHOOL UPON RECEIVING THE NATIONAL AGRICULTURE TEACHER ASSOCIATION'S YOUNG TEACHER AWARD.

Also:

**HJR 30.** COMMENDING SAMUEL SANDERS ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

**HJR 31.** COMMENDING ROBERT BURTON ON THE

OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

**HJR 32.** COMMENDING JOSEPH JOHNSON ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

**HJR 67.** MOURNING THE DEATH OF GERALD CLYDE MINSHEW OF ANNISTON, ALABAMA.

Also:

**HJR 68.** COMMENDING THE ANNISTON MIDDLE SCHOOL STATE CHAMPION SCHOLARS BOWL TEAM FOR 1991.

Also:

**HJR 69.** MOURNING THE DEATH OF FLOYD HOWARD GRAY, JR., OF MONTGOMERY, ALABAMA.

Also:

**HJR 72.** MOURNING THE DEATH OF FRED BURKS OF MOBILE COUNTY, ALABAMA.

Also:

**HJR 74.** MOURNING THE DEATH OF WILLIE VIRGE LYERLY OF MONTGOMERY, ALABAMA.

Also:

**HJR 75.** MOURNING THE DEATH OF JOHN RANDOLPH PENTON, JR., OF MONTGOMERY, ALABAMA.

Also:

**HJR 77.** NAMING THE JAMES I. DAWSON COOPERATIVE EXTENSION BUILDING AT ALABAMA A & M UNIVERSITY.

Also:

**HJR 78. MOURNING THE DEATH OF MRS. SADIE JEAN RASPBERRY BRYANT OF NEWBERN, ALABAMA.**

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **NOTICE IN WRITING**

Senator Amari offered the following Notice in Writing, to-wit:

### **NOTICE IN WRITING**

Notice is hereby given that on the next legislative day, a motion will be made to amend the Senate Rules as follows:

Amend Senate Rule 51 by adding Subsection (B) as follows:

In the event said State Development and Tourism Committee amends any bill dealing with parimutuel betting, gambling or games of chance in any way, said bill will then be referred to the Local Legislation committee from which it came for any action it may be deemed necessary and then shall be presented to the Senate for second reading.

Which was read and ordered filed with the Secretary.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 29. NAMING THE NEW BRIDGE ON BAY BRIDGE ROAD IN MOBILE, ALABAMA, WHICH SPANS THE MOBILE RIVER, THE "COCHRANE-AFRICATOWN USA BRIDGE."**

Also:

**SJR 30.** DESIGNATING "TALK ABOUT PRESCRIPTION MONTH" IN ALABAMA, AND "ALABAMA PHARMACY WEEK."

Also:

**SJR 33.** COMMENDING ROBERT M. CRESWELL OF CAMDEN, ALABAMA, RECIPIENT OF THE MEDAL OF HONOR FROM THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION.

Also:

**SJR 34.** URGING THE UNITED STATES CONGRESS TO LEGISLATIVELY RESOLVE THE "NOTCH BABY" SOCIAL SECURITY INEQUITY.

Also:

**SJR 38.** COMMENDING COACH HAYWOOD SCISSUM OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 39.** COMMENDING COACH W. H. "CAP" BROWN OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 40.** COMMENDING CHESTER FREEMAN OF CULLMAN, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**SJR 27.** JOINT SESSION OF THE LEGISLATURE.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**SJR 13. INVITING UNITED STATES ATTORNEY GENERAL RICHARD L. THORNBURGH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE, IN RECOGNITION OF THE YEAR COMMEMORATING THE BILL OF RIGHTS.**

JOHN W. PEMBERTON,  
Clerk.

## RESOLUTIONS

Senator Preuitt offered the following Senate Resolution, to-wit:

**SR 47. COMMENDING LEWIS CAMPBELL FOR OUTSTANDING ACHIEVEMENT.**

Which was filed.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 48. SPECIAL ORDER CALENDAR.**

**RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fourth legislative day of the 1991 Regular Session only:

Inst Id	Page
<b>S. 110</b>	5
Colleges of medicine located outside U. S., evaluation of, licensing of graduates, alt., Secs. 34-24-80, 34-24-83 am'd.	
<b>S. 86</b>	4
Motor vehicles, leases of, further reg.	
<b>S. 43</b>	4
Regional reciprocal banking, acquisition of Al. bank holding company or an Al. bank by a regional bank holding company, Sec. 5-13A-3 am'd.	

**REGULAR SESSION**  
**4th Day**

315

<b>S. 44</b>	<b>8</b>
Handicapped hunters, use of cross bow, physician's certification req.	
<b>S. 112</b>	<b>4</b>
Radiation Advisory Bd., veterinarianian incl., Sec. 22-14-5 am'd.	
<b>S. 27</b>	<b>8</b>
Bar pilots, license fee incr., Sec. 33-4-38 am'd.	
<b>S. 85</b>	<b>8</b>
Motor vehicles, firefighters distinctive license plates auth., Secs. 32-6-270, 32-6-272 am'd.	

On motion of Senator Preuitt, the Resolution was adopted by the Senate.

**BUDGET ISOLATION RESOLUTION**

Senator Ghee, B.I.R., SB 110, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-24

Nays:

- 0

**SPECIAL ORDER**

**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

**S. 110.** To amend Section 34-24-80 and Section 34-24-83, Code of Alabama 1975, relating to the evaluation by the State Board of Medical Examiners of Colleges of Medicine located outside of the United States and the District of Columbia, so as to provide further for such evaluation and the licensing of graduates of such schools.

**4th Day**

having been postponed on the Third Legislative Day was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 1

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, Ellis, Floyd, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Smith (B), Smith (J), Waggoner, Wilson, and Windom -22

Nay: Senator Sanders

- 1

**BUDGET ISOLATION RESOLUTION**

Senator Windom, B.I.R., SB 86, adopted.

Yeas 21 Nays 1

Yeas:

Senators:

Bailey, Bennett, Corbett, deGraffenried, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Sanders, Smith (J), Waggoner, Wilson, and Windom -21

Nay: Senator Amari

- 1

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 86.** Relating to motor vehicles so as to provide that a transaction does not create a sale or security interest merely because the transaction provides that the rental price may be adjusted by reference to the amount realized upon sale or other disposition of the motor vehicle; to provide for severability of the provisions of this act; to provide for repeal of conflicting laws; and to provide for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20 Nays 0

Yeas:

Senators:

Amari, Bolling, Corbett, deGraffenried, Ellis, Floyd, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Sanders, Smith (B), Waggoner, Wilson, and Windom -20

Nays:

- 0



**BUDGET ISOLATION RESOLUTION**

Senator Corbett, B.I.R., SB 43, adopted.

Yeas 21 Nays 1

Yeas:

Senators:

Bedsole, Bolling, Corbett, deGraffenried, Denton, Ellis, Floyd, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Owens, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -21

Nay: Senator Amari

- 1

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 43.** To amend section 5-13A-3, Code of Alabama 1975, relating to the acquisition of an Alabama bank holding company or an Alabama bank by a regional bank holding company, so as to provide further for any such acquisition.

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, SB 43, was postponed subject to the call of the Chair.

**BUDGET ISOLATION RESOLUTION**

Senator Corbett, B.I.R., SB 44, adopted.

Yeas 16 Nays 3

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Floyd, Hale, Hilliard, Langford, Little, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Windom -16

Nays:

Senators:

Amari, Ellis, and Lipscomb

- 3

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 44.** To provide for the hunting of game and unprotected

wildlife with a cross bow upon certification by a physician that a person is handicapped.

was taken up.

Senator Corbett offered the following substitute for the Bill, SB 44, to-wit:

### **SUBSTITUTE FOR SB 44**

### **A BILL TO BE ENTITLED AN ACT**

To provide for the hunting of game and unprotected wildlife with a cross bow upon certification by a physician that a person is handicapped.

### **BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. It shall be lawful for certain handicapped persons to use cross bows and cross bow arrows while hunting or attempting to hunt game birds and animals as well as unprotected wildlife in this state.

Section 2. The Department of Conservation and Natural Resources is hereby authorized and empowered to issue upon application a special license to allow Alabama residents who are handicapped to hunt with crossbows during the regular archery deer season. Applicants must present a signed statement from a physician licensed to practice medicine in the State of Alabama stating the applicant has a permanent physical disability and meets one of the following requirements:

(1) That he or she has at least 80% permanent impairment of one hand or arm as determined by a physician using the standards outlined in the "Guide to Evaluation of Permanent Impairment Rating," published by the American Medical Association.

(2) That he or she has a permanent physical impairment due to injury or disease, congenital or acquired, which permanently renders the individual unable to ambulate without the aid of a wheelchair, two crutches, two leg braces or two leg prostheses at all times.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are

hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Ellis, Floyd, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Owens, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -24

Nays:

- 0

And said Bill, SB 44, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19 Nays 1

Yeas:

Senators:

Amari, Bailey, Bedsole, Corbett, deGraffenried, Denton, Floyd, Hilliard, Langford, Lindsey, Lipscomb, Little, Owens, Preuitt, Sanders, Smith (B), Smith (J), Wilson, and Windom -19

Nay: Senator Ellis

- 1

### BUDGET ISOLATION RESOLUTION

Senator Little, B.I.R., SB 112, adopted.

Yeas 19 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Floyd, Hilliard, Langford, Lindsey, Lipscomb, Little, Owens, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -19

Nay: Senator Amari

- 1

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 112.** To amend Section 22-14-5, Code of Alabama 1975, which provides for the members of the radiation advisory board of health, so as to include a veterinarian on the board.  
was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Ellis, Floyd, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Owens, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -24

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bedsole, B.I.R., SB 27, adopted.

Yeas 22 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Ellis, Floyd, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Owens, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -22

Nay: Senator Amari

- 1

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 27.** To amend Section 33-4-38, Code of Alabama 1975, which provides for the levy, payment and disposition of ship pilot's license tax, so as to increase the amount thereof.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Ellis,

Floyd, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Owens,  
Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom -22

Nays: - 0

**BUDGET ISOLATION RESOLUTION**

Senator Bedsole, B.I.R., SB 85, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Ellis, Floyd,  
Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Owens, Preuitt,  
Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -22

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 85.** To amend Sections 32-6-270 and 32-6-272 of the Code of Alabama 1975, so as to further define the term "Fire Fighter" and provide for their distinctive motor vehicle license plates.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Ellis, Floyd,  
Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Owens,  
Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom -22

Nays: - 0

**REPORT OF SECRETARY**

**Mr. President:**

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint

Resolutions delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

SJR 11	SJR 16	SJR 20
SJR 12	SJR 17	SJR 21
SJR 15	SJR 19	

Delivered to the Governor, April 25, 1991, at 10:45 A.M.

McDOWELL LEE,  
Secretary of Senate.

### **SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### **ADJOURNMENT**

At 1:05 P.M., on motion of Senator Bedsole, in accordance with Motion heretofore adopted, the Senate adjourned until Tuesday, April 30, 1991, at 1 o'clock P.M.

## **FIFTH LEGISLATIVE DAY**

**TUESDAY, APRIL 30, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Earl Andrews, Associate Minister, Frazer Memorial United Methodist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Collin Holder, Prattville Intermediate School, Prattville, Alabama.

### **ROLL CALL**

Present:  
Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -34

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator deGraffenried the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried leave of absence was granted Senator Campbell for today.

**MOTION TO ADJOURN**

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Thursday, May 2, 1991, at 9:45 A.M., which motion was adopted.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 13. INVITING UNITED STATES ATTORNEY GENERAL RICHARD L. THORNBURGH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE, IN RECOGNITION OF THE YEAR COMMEMORATING THE BILL OF RIGHTS.**

Also:

**SJR 29. NAMING THE NEW BRIDGE ON BAY BRIDGE ROAD IN MOBILE, ALABAMA, WHICH SPANS THE MOBILE RIVER, THE "COCHRANE-AFRICATOWN USA BRIDGE."**

Also:

**SJR 30. DESIGNATING "TALK ABOUT PRESCRIPTION MONTH" IN ALABAMA, AND "ALABAMA PHARMACY WEEK."**

Also:

**SJR 33. COMMENDING ROBERT M. CRESWELL OF CAMDEN, ALABAMA, RECIPIENT OF THE MEDAL OF HONOR FROM THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION.**



Also:

**SJR 34.** URGING THE UNITED STATES CONGRESS TO LEGISLATIVELY RESOLVE THE "NOTCH BABY" SOCIAL SECURITY INEQUITY.

Also:

**SJR 38.** COMMENDING COACH HAYWOOD SCISSUM OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 39.** COMMENDING COACH W. H. "CAP" BROWN OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

**SJR 40.** COMMENDING CHESTER FREEMAN OF CULLMAN, ALABAMA.

JIM PREUITT,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 44.** To provide for the hunting of game and unprotected wildlife with a cross bow upon certification by a physician that a person is handicapped.

JIM PREUITT,  
Chairperson.

## INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Windom:

**S. 350.** To prohibit the spending of state monies for pension and annuity plans by agencies, boards, commissions and quasi-organizations which have received more than one-half of their funding from the state for the last three years and which do not participate in the employees' retirement system.

Committee on Finance  
and Taxation

By Senator Hale:

**S. 351.** To amend Section 6-2-8, Code of Alabama 1975, relating to the statute of limitations, so as to provide further for said statute of limitations regarding prisoners.

Committee on Judiciary/Civil

By Senator Hale:

**S. 352.** To provide for a cost-of-living increase to each pensioner and annuitant whose retirement is based upon service to an employer participating in the Employees' Retirement System under section 36-27-6, Code of Alabama 1975, but who retired prior to such employer's participation in said system, provided the employer elects to come under the provisions of the act.

Committee on Governmental  
Affairs/Local Government

By Senator Windom:

**S. 353.** Relating to garnishment proceedings, exemptions and court procedures involving the collection of debt; to distinguish a prior order of a court for the withholding of child support from a prior order of garnishment; to provide that any such withholding order for child support shall not be deemed by the courts nor claimed by the garnishee or the defendant as an exemption from garnishment; to provide that a principal shall be required to furnish certain information about persons

working on his premises even though such workers are furnished to him by a principal-employer through a contract; to provide that any such principal be required to furnish certain information about any principal-employer as well as said furnished workers and to provide that if such principal-employer is an out-of-state person, corporation or entity, the principal shall stand in his stead to acquire and withhold the amount of the garnishment and to forward the same to the plaintiff; to provide for the valuation of personal property exempted from sale or execution pursuant to Article IV, Section 92 and Article X, Section 204 of the Constitution of Alabama of 1901; and to provide for service of process by publication.

Committee on Banking  
and Insurance

By Senator Hale:

**S. 354.** To regulate credit services organizations; to provide for certain exemptions; to prohibit certain conduct by the organizations; to require surety bonds; to require registration with the secretary of state; to require the disclosure of certain information prior to executing contracts; to prescribe the form and terms of the contracts; to provide for damages, civil relief and penalties for violations.

Committee on Small Business

By Senator Denton:

**S. 355.** To amend Sections 9-11-46, 9-11-47, 9-11-48 and 9-11-49, Code of Alabama 1975, relating to nonresident hunting licenses, so as to increase the fees, and to delete certain provisions relating to the length of deer seasons under such licenses and to authorize guide hunting services.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Hale:

**S. 356.** Relating to hunting, fishing and fur dealer's licenses; to amend Sections 9-11-32, 9-11-33 and 9-11-63, Code of Alabama 1975, so as to provide further for the effective dates of such licenses.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Bolling:

**S. 357.** To amend Sections 9-11-55 and 9-11-56, Code of Alabama 1975, relating to certain nonresident fishing licenses, so as to further provide for the costs thereof.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Foshee:

**S. 358.** To create a "pilot project" for the Secretary of State to establish specifications for a uniform system of electronic voting and for the electronic transfer of election totals from counties to the Secretary of State's office.

Committee on Constitution  
and Elections

By Senator Foshee:

**S. 359.** To authorize the creation and incorporation of the public gas authority of Alabama as a public corporation of the state of Alabama; to authorize the authority, as sole owner in common with others, to acquire, construct, improve, equip, alter, repair, operate, and maintain projects and systems embracing the storage, acquisition, production, distribution, exploration, treatment, liquefaction, vaporization, transmission, purchase, sale, exchange or interchange of gas and to acquire, construct, and equip all property and things necessary or convenient for the purposes of such projects and systems and the acquisition, construction, maintenance and operation thereof; to confer on the authority powers to carry out its purposes including, among others, the power of 'eminent domain, to provide for an election committee and the selection of representatives thereto and for the nomination and selection of members of the board of directors of the authority by the election committee; to authorize the authority and certain municipal and public corporations and others to execute contracts for the use of its projects and systems and the services thereof and for the purchase of gas therefrom and to enforce the performance thereof; to authorize the authority to issue its bonds, bond anticipation notes and notes payable from the revenues and other available funds and assets of the authority in order to provide funds sufficient to carry out any of its corporate purposes and powers; to authorize the collecting and pledging of revenues and other available funds and assets of the authority for the payment of its bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing its projects or systems; to autho-

rize the execution of trust and security instruments relating to the authority's property in order to secure the payment of its bonds, bond anticipation notes and notes; to provide rights for the holders of its bonds, bond anticipation notes and notes; to provide that none of such evidences of indebtedness shall constitute a debt of the state of Alabama or of any municipal or public corporation thereof except the authority; to make such evidences of indebtedness legal investments and to exempt the same and the income therefrom and interest thereon along with the authority, its income and all property (including filings with respect thereto) from taxation; to exempt the bonds, bond anticipation notes and notes from this state's usury laws; to provide for validation of the authority's contracts and the authority's bonds and notes and the security therefor and to fix the venue and jurisdiction of actions respecting the authority; to exempt the authority from provisions of the public service commission laws, the operation of Alabama Sunset Law and from the competitive bid laws; and to provide for other matters relative to the foregoing.

Committee on Governmental  
Affairs/State Administration

By Senator Foshee:

**S. 360.** To establish the Alabama Public Livestock Marketing Business Act; to establish a board to promote the marketing of livestock; and to establish charters for public livestock markets and to fix fees therefor.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Langford:

**S. 361.** To propose an amendment to the Constitution of Alabama of 1901, to authorize certain elected state officials to participate in the state employees' retirement system.

Committee on Public Welfare

The above Bill was read a first time at length as required by the Constitution.

By Senators Bedsole and Bennett:

**S. 362.** To amend Section 9-14-5, Code of Alabama 1975,

relating to the repair and maintenance of certain roads and bridges, so as to place such duty upon the Highway Department and to further provide for such duties.

Committee on State Development  
and Tourism

By Senator Bedsole:

**S. 363.** To amend Section 44-1-51, Code of Alabama 1975, so as to provide that payment to youth services board members for attendance at board meetings or for performance of official duties be at the per diem and mileage expense rate as set for state employees.

Committee on Finance  
and Taxation

By Senator Langford:

**S. 364.** To provide for the appointment of a nonprofit corporation to serve as guardian for persons who are developmentally disabled; to provide additional requirements for such corporations; and to authorize the Alabama Department of Mental Health and Mental Retardation to develop guidelines, rules and regulations.

Committee on Judiciary/Civil

By Senator Bedsole:

**S. 365.** To provide for special lifetime hunting, fishing and combination licenses for certain residents.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Barron:

**S. 366.** To amend Section 37-3-4, Code of Alabama 1975, so as to include certain motor carriers who transport certain property in open-top dump vehicles to the exemptions contained therein.

Committee on Finance  
and Taxation

By Senators Lindsey and Corbett:

**S. 367.** To amend Sections 24-7-2 and 24-7-3 of the Code of

Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to provide further for the appointment of members of the Authority and to provide further for the duties and powers of the Authority.

Committee on Economic Affairs

By Senator Foshee:

**S. 368.** To amend Section 7-9-404 of the Code of Alabama 1975, relating to termination statements on secured interests, so as to provide further for procedures relating to such statements.

Committee on Banking  
and Insurance

By Senator Barron:

**S. 369.** To authorize state agencies an administrative option to require the timely electronic remittance of immediately available funds by any person, corporation or partnership required to satisfy an obligation due any agency of the state of Alabama amounting to one hundred thousand dollars (\$100,000) or more effective January 1, 1992, fifty thousand dollars (\$50,000) or more effective January 1, 1993 and twenty-five thousand dollars (\$25,000) or more effective January 1, 1994; establishes the date from which penalties and interest will be computed; and authorizes the promulgation of rules and regulations governing the manner in which such payments shall be made.

Committee on Finance  
and Taxation

By Senator Hale:

**S. 370.** To exempt the Alabama College Conference from the payment of all state, county and municipal sales and use taxes.

Committee on Finance  
and Taxation

By Senator Parsons:

**S. 371.** To provide that for any law which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated cost of said law, to provide for the method of determining said appropriations, to provide for

inclusion of said amount in the budget, to provide for the use of said funds and to provide any act enacted without said funding requirement shall be null and void.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Horn:

**S. 372.** To exempt all Dixie Baseball/Softball leagues in the State of Alabama from the payment of all state, county and municipal sales and use taxes on purchases made for uniforms, supplies and equipment of the Dixie Baseball/Softball leagues in the State of Alabama.

Committee on Finance  
and Taxation

By Senator Ellis (With Notice and Proof):

**S. 373.** Relating to the zoning of real property in Shelby County; to prohibit zoning changes for a two (2) year period for property initially zoned by the county and subsequently annexed by a municipality; to provide a procedure for proposed zoning changes; to require a determination that no adverse property valuations would result from any proposed municipal zoning change; and to require notice and public hearings prior to the adoption of any proposed municipal zoning changes for such real property.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 373, as required in the General Acts of Alabama, 1975, Act No. 919.

By Senator Ellis:

**S. 374.** To amend sections 40-17-31, 40-17-171 and 40-17-240, Code of Alabama 1975, relating to gasoline and oil taxes, so as to provide an exemption for gas and oil purchased by city and county boards of education, the Alabama Institute for Deaf and Blind, and the Department of Youth Services School District.

Committee on Finance  
and Taxation



By Senators Amari, Parsons, Waggoner, and Corbett:

**S. 375.** To provide for the Alabama Open Records Act; to provide additional penalties for any public officer, his agent or servant who denies a citizen the right to inspect and copy any public record during business hours at a reasonable cost.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Bennett (With Notice and Proof):

**S. 376.** Relating to Jefferson County; to provide that the Jefferson County commission shall have authority to remove or demolish buildings and structures, or parts thereof, when the same are found by the county commission to be unsafe to the extent of being a public nuisance; to provide for a hearing by the county commission if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment to constitute a lien on said property; to provide methods of collecting such assessments; and to authorize the tax collector to collect such assessments.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 376, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Dixon:

**S. 377.** To amend sections 36-21-44, 36-21-45 and 36-21-47.1, Code of Alabama 1975, relating to the peace officers' standards and training commission, so as to provide further for the compensation and duties of the members of the commission, and for the peace officers' standards and training fund; and to provide further for the establishment and operation of certified police academies by the commission and the salaries and benefits of the directors and employees of such academies.

Committee on Governmental  
Affairs/State Administration

By Senator Waggoner:

**S. 378.** To amend Section 25-4-78 of the Code of Alabama

1975, relating to disqualifications for unemployment compensation benefits, so as to provide further for such disqualifications.

Committee on Business  
and Labor Relations

By Senator Dial:

**S. 379.** To amend Act No. 90-764 passed in the 1990 Regular Session which makes appropriations for ordinary expenses of the executive, legislative and judicial departments of the State by reducing the appropriation from the State General Fund to the Administrative Office of Courts and increasing the appropriation from the State General Fund to the Departmental Emergency Fund for the fiscal year ending September 30, 1991.

Committee on Finance  
and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Layson:

**HJR 87.** COMMENDING JOHNNIE LEWIS OF NORTH-PORT, "MS. SENIOR ALABAMA" FOR 1990-91.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, HJR 87, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### RESOLUTIONS

Senator Bolling offered the following Senate Joint Resolution, to-wit:

**SJR 49.** DESIGNATING MAY 1991 AS "MANUFACTURED

**HOUSING MONTH" IN ALABAMA.**

WHEREAS, Alabama's Manufactured Housing Industry has provided more than 500,000 Alabamians with affordable, well-constructed single-family housing; and

WHEREAS, the Alabama Manufactured Housing Industry continues to initiate and support programs to enhance the quality, safety, comfort and value of its homes through progressive construction and siting standards; and

WHEREAS, Alabama ranks seventh in the nation in the production of manufactured homes, with 21 plants producing approximately 20,000 homes annually for domestic and foreign markets; and

WHEREAS, with its manufacturers, suppliers, retailers, lenders, insurers and park owners, Alabama Manufactured Housing is a billion dollar industry, providing more than 15,000 jobs and an annual payroll in excess of \$200 million; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize and designate May 1991 as "Manufactured Housing Month" in Alabama, and do further urge all of our citizens to support the Manufactured Housing Industry.

On motion of Senator Bolling, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Sanders offered the following Senate Joint Resolution, to-wit:

**SJR 50. NAMING THE "MARTIN LUTHER KING, JR., HIGHWAY."**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate those portions of State Highway 14 in Perry and Greene Counties as the "Martin Luther King, Jr., Highway."

BE IT FURTHER RESOLVED, That the proper officials are authorized to erect and maintain appropriate signs and markers so designating said highway portions as the "Martin Luther King, Jr., Highway," and that further the Alabama State Highway Department be advised, by copy of this resolution, of this memorial designation by the

Alabama Legislature.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Knight, Holley, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 89. DESIGNATING "DR. LEON DAVIS DAY."**

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Owens, the Rules were suspended and the Resolution, HJR 89, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### RESOLUTIONS

Senator Owens offered the following Senate Joint Resolution, to-wit:

**SJR 51. REQUESTING THE STATE HIGHWAY DEPARTMENT TO ESTABLISH A POLICY REGARDING PRESERVATION OF WILDFLOWERS ON HIGHWAY RIGHTS-OF-WAY IN ALABAMA.**

WHEREAS, a large number of people of Selma and Dallas County, Alabama, are committed to the vast natural beauty of this state; and

WHEREAS, Alabama has in that natural beauty a large number of varieties of wildflowers found in the United States; and

WHEREAS, the people of Selma and Dallas County, Alabama, do commend and express their appreciation for the wildflower planting program by the Alabama Highway Department in Dallas County, and at other sites around the state; and

WHEREAS, in other states where there has been a long-range commitment to a policy of planting and conserving native wildflowers along their highway rights-of-way, the results have proven to be extremely gratifying in terms of aesthetics, and also productive in terms of an increase in tourist dollars; and

WHEREAS, large numbers of people in Selma and Dallas County, Alabama, have been informed, and now know, that the use of native wildflowers as ground covers along Alabama's highway rights-of-way may be an alternative to other types of roadside vegetation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That state officials, as well as private citizens, be alerted to the value and desirability of Alabama's beautiful and valuable natural resource, her wildflowers, and these people of Alabama do hereby request the establishment of a policy by the Alabama Highway Department for conservation, propagation, and protection of wildflowers indigenous to the areas along appropriate portions of the highway rights-of-way of the state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Governor of Alabama; the Mayor and City Council of Selma, Alabama; and to the Probate Judge and County Commission of Dallas County, Alabama.

On motion of Senator Owens, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dixon offered the following Senate Resolutions, to-wit:

**SR 52. COMMENDING PEGGY MUSSAFER OF MONTGOMERY, ALABAMA, FOR DISTINGUISHED COMMUNITY SERVICE.**

Also:

**SR 53. COMMENDING DOCI HASLAM OF MONTGOMERY, ALABAMA, FOR DISTINGUISHED COMMUNITY SERVICE.**

Also:

**SR 54. COMMENDING CHARLOTTE MUSSAFER OF MONTGOMERY, ALABAMA, FOR DISTINGUISHED COMMUNITY SERVICE.**

Which were filed.

### RECESS

At 1:25 P.M., on motion of Senator deGraffenried the Senate took a recess subject to the call of the Chair, to hear the message from The Honorable Perry Hand, Director of the Highway Department.

### JOINT SESSION

At 1:30 P.M., in accordance with SJR 27, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of The Honorable Perry Hand, Director of the Highway Department.

The Session was called to order by Lieutenant Governor Folsom, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

At 2:20 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Reps. Morrow, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 81. URGING THE UNITED STATES CONGRESS TO LEGISLATIVELY RESOLVE THE "NOTCH BABY" SOCIAL SECURITY INEQUITY.**

WHEREAS, certain Social Security recipients born between 1917 and 1921 are receiving reduced benefits as a result of 1977 congressional legislation that created the wage-indexed computation method; and

WHEREAS, "Notch Babies" who reached age 62 between 1979 and 1983 have been forced to accept a substantial decrease in benefits under the new computation method as opposed to what their benefits would have been under the old method used prior to 1977; and

WHEREAS, Congress has allowed this inequity to continue without resolution since it was first brought to their attention in 1982; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge and implore the Congress of the United States to take the necessary legislative action during its 1991-92 session to correct the "Notch Baby" Social Security inequity.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to every member of the Alabama congressional delegation.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 81, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Flowers, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 84. DESIGNATING "NURSING HOME WEEK" IN ALABAMA.**

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Dial, the Rules were suspended and the Resolution, HJR 84, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:



By Reps. Fuller, Turnham, Mikell, Holley, Sanderford, Haney, Hooper, Crow, Gaston, Mathis, Freeman, Smith (C), and Blakeney:

**HJR 82. MEMORIALIZING THE U. S. CONGRESS TO PROPOSE A CONSTITUTIONAL AMENDMENT SPECIFYING THAT CONGRESS AND THE INDIVIDUAL STATES SHALL HAVE THE POWER TO PROHIBIT DESECRATION OF THE AMERICAN FLAG.**

WHEREAS, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

WHEREAS, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

WHEREAS, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

WHEREAS, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

WHEREAS, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

WHEREAS, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we respectfully memorialize the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying

that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the Speaker of the U. S. House of Representatives, the President of the U. S. Senate and all members of the congressional delegation from the State of Alabama.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Dial, the Rules were suspended and the Resolution, HJR 82, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

#### HJR 79. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, April 25, 1991, they adjourn to meet again on Tuesday, April 30, 1991.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Dial, the Rules were suspended and the Resolution, HJR 79, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### RESOLUTION

Senators Denton, Amari, Bailey, Barron, Bedsole, Bennett,

Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 55. COMMENDING TOM C. COBURN OF TUSCUMBIA FOR DISTINGUISHED SERVICE TO THE LEGISLATURE AND THE STATE OF ALABAMA.**

WHEREAS, Tom C. Coburn of Tuscumbia served with distinction in the Alabama House of Representatives for sixteen years beginning in 1975, thereby rendering invaluable service to the Legislature and the State of Alabama for four consecutive terms; and

WHEREAS, during his tenure, he served as chairman of the Legislative Fiscal Office Committee, the Tax Structure Committee, Health Care for the Indigent Committee, Judicial Building Committee, Legislative Oversight Committee of ADECA, the Committee to Rewrite Employment and as co-chairman of the Joint Interim Committee to Study Finances and Budgets; and

WHEREAS, Representative Coburn, who was assigned to the House Ways and Means Committee as a freshman legislator, served as chairman of this important committee from 1983 to 1987 and, in this key position of leadership, was responsible for reviewing and analyzing proposed legislation dealing with revenues and expenditures of state funds; drafting proposed state budgets; negotiating with Senate leaders and the Governor and his staff on state financial issues; explaining budgets and financial matters to the House of Representatives; serving on the Joint Fiscal Committee that oversees the Legislative Fiscal Office; and supervising a committee staff; and

WHEREAS, Representative Coburn, during his long years of service in the House, also was a member of the Legislative Council and the Building Commission, as well as the Contract Review, Budget, Business and Labor, Gas and Oil and the Super Computer Committees, and of most conference committees on the education and general fund budgets; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the Legislature and the State of Alabama, we hereby most highly commend our friend and former colleague, Representative Tom C. Coburn of Tuscumbia, whom we hold in highest

regard and to whom a copy of this resolution shall be presented.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

### REPORTS OF COMMITTEES

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

**S. 65.** To amend Section 41-9-63, Code of Alabama 1975, relating to claims presented to the board of adjustment, so as to allow the board of adjustment to adopt its own procedures as to the methods of presenting said claims to the board in the event the claimant is unable to appear at the board; and to provide that the state shall not be required to provide transportation for anyone to appear before the board.

By Senator Mitchell:

**S. 338.** To reopen the Employees' Retirement System of Alabama to permit contributing state employees who worked for the Alabama State Council on the Arts to purchase retirement credit for their years of service.

By Senator Mitchell:

**S. 345.** To authorize the legislative council to employ technical assistants including legal counsel in certain instances and to provide for the manner of compensating said persons.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 83.** URGING THE SECRETARY OF THE U. S. DEPARTMENT OF AGRICULTURE TO EXTEND HIS AGENCY'S PERSONNEL AGREEMENT WITH THE STATE OF ALABAMA

REGARDING ANDREW P. HORNSBY, JR.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**RESOLUTION**

Senators Dial, Barron, and Parsons offered the following Senate Resolution, to-wit:

**SR 56. CREATING A SENATE ETHICS COMMITTEE.**

WHEREAS, it is unanimously agreed among the membership of the Senate that they are desirous of four years of continued good government and harmonious relations between all members of the Senate; and

WHEREAS, it is realized that though there are differences of opinions of the membership, it is the desire that these differences be solved in a decorous manner, and in order to further these ends; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That pursuant to the provisions of Section 53 of Article IV of the Constitution of Alabama of 1901, there is hereby created a Senate Ethics Committee whose responsibility shall be to monitor charges brought against an individual Senator during his participation in a session of the Senate or his participation in a standing or interim committee. This committee shall be composed of five members of the Senate elected by the Senate at the earliest possible time after the passage of this resolution and the members shall serve without compensation. In the event of a charge brought against a member of said committee, then the Lieutenant Governor shall appoint a temporary replacement to the committee before it considers charges against the individual Senator.

BE IT FURTHER RESOLVED, That the responsibility of the

committee shall be to receive allegations of misconduct against an individual Senator and recommend such action as it deems necessary to fulfill the responsibilities of the committee.

The procedure to be followed by the committee is as follows:

1. A member and a member only may file a written complaint with one of the members of said committee, stating the alleged violation of the Senate Rule.
2. After thorough investigation, by a majority vote, the committee may arbitrarily determine that no violation has occurred.
3. The committee, in executive session, may address the accused Senator by issuing a warning.
4. The committee by a four-fifths vote may recommend to the Senate as a whole that further action against the accused be initiated.

Which was read and referred to the Standing Committee on Rules.

### MOTIONS IN WRITING

Senator Little offered the following Motions in Writing, to-wit:

I move that the Bill, SB 115, on page 29 of the 5th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, SB 164, on page 41 of the 5th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, SB's 115 and 164, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### RESOLUTION

Senator Dial offered the following Senate Joint Resolution, to-wit:

**SJR 57. PROVIDING FOR THE PLACEMENT OF DIRECTIONAL SIGNS TO TALLADEGA NATIONAL FOREST AND TALLADEGA SCENIC BY-PASS AT THE HIGHWAY 9 AND HIGH-**

WAY 46 EXITS OF I-20 IN CLEBURNE, COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in the interest of furthering the development of the tourist industry in Alabama, and for the purpose of advising tourists as to the location of Alabama's most scenic points of interest, we hereby direct the State Highway Department to erect and maintain signs at the Highway 9 and Highway 46 exits on I-20 in Cleburne County, and we do further direct that said signs read as follows:

TALLADEGA NATIONAL FOREST  
TALLADEGA SCENIC BY-PASS  
EXIT NEXT RIGHT

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded forthwith to State Highway Director Perry Hand in advisement of this directive of the Alabama Legislature.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

POINT OF PERSONAL PRIVILEGE

Senator Dixon requested unanimous consent that the Journal show that had he been present when the Bill, SB 338, was introduced he would have added his name as a co-sponsor, which request was granted.

BUDGET ISOLATION RESOLUTION

Senator Figures, B.I.R., SB 293, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Corbett, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom  
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 293. Relating to Mobile County; to amend Sections 1

through 9 of Act No. 974, S. 384, Regular Session 1961 (Acts 1961, p. 1550 et seq.); to confer on the Probate Courts of the county general and equity jurisdiction over certain estates concurrent with that of the Circuit Courts; to provide for the powers and authority of the Probate Judges and Chief Clerks of such Probate Courts; and to provide for the pleading and procedure in such estates, the enforcement of orders, judgments and decrees and appeals of same.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Corbett, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

-0

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

### SR 58. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fifth legislative day of the 1991 Regular Session only:

<u>Inst Id</u>	<u>Page</u>
<b>S. 321</b>	10
Airport authorities, reincorporation of established, powers expanded, certain fees authorized	
<b>S. 106</b>	23
State insurance bd. estab. to provide st. residents group health ins.	
<b>S. 75</b>	21
Purple Heart Medal recipients, distinctive lic. plates auth., Secs. 32-6-250 and 32-6-251, am'd.	



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<b>S. 82</b>	32
Motor Vehicle Franchise Act, unfair trade practices, statute of limitations alt., Secs. 8-20-4, 8-20-5, 8-20-7, 8-20-9, 8-20-11 am'd.	
<b>S. 81</b>	29
Brandy, exempt from cert. labeling requirements, Secs. 28-3-1, 28-3-187.1 am'd.	
<b>S. 111</b>	26
Home builders, licensure and regulation	
<b>S. 1</b>	5
Hunting by nonresidents without licenses, penalty incr., Sec. 9-11-51 am'd.	
<b>S. 14</b>	14
Checkoff on st. income and franchise tax returns for indigent offender alcohol and drug treatment trust fund	
<b>S. 137</b>	34
Acts of Alabama, 1989 Sp. Sess. and 1990 Reg. Sess., codified	
<b>S. 43</b>	3
Regional reciprocal banking, acquisition of Al. bank holding company or an Al. bank by a regional bank holding company, Sec. 5-13A-3 am'd.	
<b>S. 28</b>	35
Hospices, licensing of, Secs. 22-21-20, 22-21-27 am'd	
<b>S. 58</b>	36
Respiratory Care Act estab., bd., license, fees	
<b>S. 40</b>	4
Municipalities and cos., auth. to assist each other and other cos. and muns. in disasters	
<b>S. 193</b>	16
University football coaches, auth. to participate in American Football Coaches Retirement Trust	
<b>S. 303</b>	13
Mutual aid associations, reserve liabilities for policies alt.,	

Sec. 27-30-34 am'd.

<b>S. 48</b>	31
Bar exam, cert. law school graduates, auth. to take, Sec. 34-3-2.1 am'd.	
<b>S. 96</b>	33
Rental-purchase agreements, exempt from UCC security interest definition, Secs. 7-1-201, 8-25-1, 8-25-3 am'd.	
<b>S. 51</b>	15
Institute for Deaf and Blind, surplus prop. auth. to be traded in on replacement prop. without public bid	
<b>S. 52</b>	15
Institute for Deaf and Blind, bd. of trustees, auth. to be reimbursed for expenses, no comp., Sec. 21-1-2 am'd.	
<b>S. 90</b>	26
Child labor laws, revised, business reg. for health, safety and welfare of minors, Secs. 25-8-1 through 25-8-31 repealed	

On motion of Senator Preuit, the Resolution was adopted by the Senate.

#### FURTHER CONSIDERATION OF SB 43

The Senate proceeded to further consideration of the Bill:

**S. 43.** To amend section 5-13A-3, Code of Alabama 1975, relating to the acquisition of an Alabama bank holding company or an Alabama bank by a regional bank holding company, so as to provide further for any such acquisition.

having been postponed on the Fourth Legislative Day was taken up.

Senator Corbett requested and received permission to suspend the Rules in order to bring up the Bill:

**H. 144.** To amend section 5-13A-3, Code of Alabama 1975, relating to the acquisition of an Alabama bank holding company or an Alabama bank by a regional bank holding company, so as to provide further for any such acquisition.

in place of the Bill, SB 43.

**BUDGET ISOLATION RESOLUTION**

Senator Corbett, B.I.R., HB 144, adopted.

Yeas 24 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Preuit, Smith (B), Waggoner, and Windom -24

Nay: Senator Amari

- 1

And said Bill, HB 144, was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuit, Smith (B), Smith (J), Waggoner, Wilson, and Windom -26

Nays:

- 0

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, SB 43, was postponed subject to the call of the Chair.

**BUDGET ISOLATION RESOLUTION**

Senator Smith (B), B.I.R., SB 321, adopted.

Yeas 23 Nays 2

Yeas:

Senators:

Barron, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Hilliard, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuit, Smith (B), Smith (J), Wilson, and Windom -23

Nays: Senators Amari and Sanders

- 2

## SPECIAL ORDER

## BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

**S. 321.** To amend Sections 4-3-41, 4-3-45, 4-3-47 and 4-3-59, Code of Alabama 1975, which relate to airport authorities, so as to provide for the reincorporation of existing airport authorities; to empower airport authorities to sell, exchange or grant options to buy or sell property; to expand the right of airport authorities to provide goods and services; to empower airport authorities to levy passenger facility charges and access fees; to expand the types of deposits or obligations in which an airport authority might invest funds; to expand the police powers of airport authorities, and to provide further for court jurisdiction; to provide that airport authorities can engage in certain financing; to enable airport authorities to assess and collect fines from any person, firm or corporation occupying or utilizing the airport or airport facilities in the event such party is the cause of fines or penalties being levied against the airport authority; and to exempt the airport authority from liability for the payment of deed recording fees and roll-back taxes.

And said Bill, SB 321, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 28 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Hilliard, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Smith (B), Smith (J), and Windom -28

Nay: Senator Sanders

- 1

Senator Windom moved that the Senate reconsider the vote by which the Bill, SB 321, was passed.

On motion of Senator Smith (B), the motion to reconsider was laid on the table.

Yeas 24 Nays 4

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial,

Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Lipscomb, Mitchell, Mitchem, Owens, Preuitt, Smith (B), Smith (J), and Waggoner -24

Nays:

Senators:

Corbett, Little, Sanders, and Windom

- 4

### BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., SB 106, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Lindsey, Lipscomb, Little, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 106.** Relating to group health insurance coverage; to provide for the Alabama Insurance Board to negotiate such insurance for all residents and their dependents of the State of Alabama who wish to acquire such insurance and to provide for the composition of said board and the powers of the board; to provide for the particulars of any insurance plan adopted by the board; to authorize the board to promulgate rules and regulations; to provide for dependent coverage; to provide for benefits of the plan; and to make an appropriation.

was taken up.

Senator Foshee offered the following amendment, for the Bill, SB 106, to-wit:

#### AMENDMENT TO SB 106

In the title on page 1, on line 26, after the language "plan;" insert the following:

to provide that costs of the plan may be paid by a small business

employer;

On page 5, after line 17, insert the following:

(c) Any person who is authorized to participate in the health insurance plan offered by this act may have a portion of the costs or all costs of participating in the plan paid by his employer, provided said employer is a "small business" as defined in Section 25-10-3(1) of the Code of Alabama 1975. The cost of dependent coverage may also be paid by said small business employer. The provisions of this subsection shall not be construed as mandating that a small business employer pay a portion or all of said costs.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 87. COMMENDING JOHNNIE LEWIS OF NORTH-PORT, "MS. SENIOR ALABAMA" FOR 1990-91.**

Also:

**HJR 89. DESIGNATING "DR. LEON DAVIS DAY."**

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**SJR 45.** BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the provisions of HJR 7 of the 1991 Regular Session shall be applicable to the Lt. Governor of Alabama.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 79. RELATIVE TO MEETING DAYS.**

Also:

**HJR 82. MEMORIALIZING THE U. S. CONGRESS TO PROPOSE A CONSTITUTIONAL AMENDMENT SPECIFYING THAT CONGRESS AND THE INDIVIDUAL STATES SHALL HAVE THE POWER TO PROHIBIT DESECRATION OF THE AMERICAN FLAG.**

Also:

**HJR 84. DESIGNATING "NURSING HOME WEEK" IN ALABAMA.**

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill,

your signature thereto is requested.

**H. 144.** To amend section 5-13A-3, Code of Alabama 1975, relating to the acquisition of an Alabama bank holding company or an Alabama bank by a regional bank holding company, so as to provide further for any such acquisition.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **FURTHER CONSIDERATION OF SB 106**

The Senate proceeded to further consideration of the Bill, SB 106. The question was on the Foshee amendment.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

**SJR 45.** BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the provisions of HJR 7 of the 1991 Regular Session shall be applicable to the Lt. Governor of Alabama.

JIM PREUITT,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds



vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 46. URGING THE CONGRESS TO ENACT THE STRIKER REPLACEMENT LEGISLATION.**

Also:

**SJR 49. DESIGNATING MAY 1991 AS "MANUFACTURED HOUSING MONTH" IN ALABAMA.**

Also:

**SJR 50. NAMING THE "MARTIN LUTHER KING, JR., HIGHWAY."**

Also:

**SJR 51. REQUESTING THE STATE HIGHWAY DEPARTMENT TO ESTABLISH A POLICY REGARDING PRESERVATION OF WILDFLOWERS ON HIGHWAY RIGHTS-OF-WAY IN ALABAMA.**

Also:

**SJR 44. MOURNING THE DEATH OF JACK MCDONALD DUNLOP OF AUBURN, ALABAMA.**

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint

Resolution, your signature thereto is requested.

**HJR 7. PROVIDING FURTHER FOR EXPENSE ALLOWANCES AND PER DIEM.**

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### **FURTHER CONSIDERATION OF SB 106**

The Senate proceeded to further consideration of the Bill, SB 106. The question was on the Foshee amendment.

### **COMMUNICATION FROM THE HOUSE**

April 30, 1991

Honorable McDowell Lee  
Secretary of the Alabama Senate  
Alabama State House  
Montgomery, Alabama 36130

Dear Mr. Lee:

With the resignation of John W. Pemberton as Clerk of the House of Representatives, Greg Pappas, the Assistant Clerk of the House will be performing the administrative duties of the House and coordinating with the Senate pursuant to newly adopted Rule 83.

Very truly yours,

JAMES M. CAMPBELL,  
Speaker Pro Tem.

Which was read and ordered filed with the Secretary.

**FURTHER CONSIDERATION OF SB 106**

The Senate proceeded to further consideration of the Bill, SB 106. The question was on the Foshee amendment.

And said amendment was then adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuitt, Sanders, Waggoner, Wilson, and Windom -26

Nays:

- 0

And said Bill, SB 106, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Waggoner, Wilson, and Windom -28

Nays:

- 0

**MOTION IN WRITING**

Senator Amari offered the following Motion in Writing, to-wit:

**MOTION IN WRITING**

Notice in Writing having been given on a previous legislative day, motion is now made to amend the Senate Rules as follows:

Amend Senate Rule 51 by adding Subsection (B) as follows:

In the event said State Development and Tourism Committee amends the bill dealing with parimutuel betting, gambling or games of chance in any way, said bill will then be referred to the Local Legisla-

tion committee from which it came for any action it may be deemed necessary and then shall be presented to the Senate for second reading.

Which was read and referred to the Standing Committee on Rules.

### **MOTION IN WRITING**

Senator Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, SB 31, on page 30 of the 5th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, SB 31, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### **BUDGET ISOLATION RESOLUTION**

Senator Bennett, B.I.R., SB 75, offered.

On motion of Senator Smith (J), the Rules were suspended and further consideration of the B.I.R. and the Bill, SB 75, was postponed subject to the call of the Chair.

### **REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 13	SJR 33	SJR 39
SJR 29	SJR 34	SJR 40
SJR 30	SJR 38	

Delivered to the Governor, April 30, 1991, at 1:25 P.M.

SJR 45

Delivered to the Governor, April 30, 1991, at 4 o'clock P.M.

McDOWELL LEE,  
Secretary.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 4:45 P.M., on motion of Senator Corbett, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, May 2, 1991, at 9:45 P.M.

## **SIXTH LEGISLATIVE DAY**

**THURSDAY, MAY 2, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by Senator Steve Windom, Thirty-fifth Senatorial District.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Adrienne Wright, Southlawn Elementary School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-33

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senators Floyd and Sanders for today.

**RECESS**

At 9:55 A.M., on motion of Senator deGraffenried the Senate took a recess subject to the call of the Chair, to hear the message from The Honorable Richard L. Thornburgh, the United States Attorney General.

**JOINT SESSION**

At 10 o'clock A.M., in accordance with SJR 13, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of The Honorable Richard L. Thornburgh, the United States Attorney General.

The Session was called to order by Lieutenant Governor Folsom, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

At 11 o'clock A.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

**RESOLUTION**

Senators Denton, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 59. REQUESTING THE FINANCE DEPARTMENT TO REPLACE THE ELEVATORS LOCATED IN THE EAST WING OF THE ALABAMA STATE HOUSE.**

WHEREAS, the State of Alabama has expended millions of dollars in the renovation of the former highway department building located on Union Street in Montgomery, Alabama; and

WHEREAS, this beautifully renovated facility is now known as the Alabama State House; and

WHEREAS, this facility has been equipped with the latest in construction techniques, equipment and conveniences; and

WHEREAS, the elevators located at the end of the east wing of the Alabama State House were outdated at the time of their installation; and

WHEREAS, these elevators fail to function frequently leaving government officials, staff and the general public stranded for extended periods of time; and

WHEREAS, these inefficient elevators are a menace to the operation of state government and to the health and welfare of those individuals who utilize the Alabama State House; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Finance Department of the State of Alabama take immediate steps to replace these elevators with the latest brand name equipment available to the State of Alabama; and

**BE IT FURTHER RESOLVED,** That the Alabama Building Commission shall oversee the replacement of these elevators and proceed with haste in the completion of this project.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

### **MOTION TO ADJOURN**

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, May 7, 1991, at 2 o'clock P.M., which motion was adopted.



**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 44. MOURNING THE DEATH OF JACK MCDONALD DUNLOP OF AUBURN, ALABAMA.**

Also:

**SJR 46. URGING THE CONGRESS TO ENACT THE STRIKER REPLACEMENT LEGISLATION.**

Also:

**SJR 49. DESIGNATING MAY 1991 AS "MANUFACTURED HOUSING MONTH" IN ALABAMA.**

Also:

**SJR 50. NAMING THE "MARTIN LUTHER KING, JR., HIGHWAY."**

Also:

**SJR 51. REQUESTING THE STATE HIGHWAY DEPARTMENT TO ESTABLISH A POLICY REGARDING PRESERVATION OF WILDFLOWERS ON HIGHWAY RIGHTS-OF-WAY IN ALABAMA.**

**JIM PREUITT,**  
Chairperson.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 106.** Relating to group health insurance coverage; to provide for the Alabama Insurance Board to negotiate such insurance for all residents and their dependents of the State of Alabama who wish to acquire such insurance and to provide for the composition of said board and the powers of the board; to provide for the particulars of any insurance plan adopted by the board; to authorize the board to promulgate rules and regulations; to provide for dependent coverage; to provide for benefits of the plan; to provide that costs of the plan may be paid by a small business employer; and to make an appropriation.

JIM PREUITT,  
Chairperson.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Ellis (With Notice and Proof):

**S. 380.** Relating to Shelby County; to create the office of license commissioner; to provide for a more convenient and efficient method for the issuance of all licenses except marriage licenses; to prescribe the powers, duties and authority of the commissioner of licenses; to provide for the appointment of such commissioner, the fixing of his salary and the furnishing of quarters, supplies and assistants to him; to transfer to such officer the duties of the probate judge relative to the issuance of all licenses, except marriage licenses and the distribution of motor vehicle license tags, the duties of the tax assessor and tax collector, respectively, relative to assessing and collecting ad valorem taxes on motor vehicles, and all the duties of the license inspector of such county; to relieve the above named officers of the duties so transferred; and to prescribe the manner in which certain of the duties hereby imposed on the commissioner of licenses shall be prescribed.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 380, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Foshee:

**S. 381.** To amend Section 2(C)(111) of Act No. 90-764 of the 1990 Regular Session, so as to provide for the retention of inspection and supervision fees to meet the financial responsibilities of the Public Service Commission.

Committee on Finance  
and Taxation

By Senators Smith (J) and Bedsole:

**S. 382.** To appropriate from the general fund of the state treasury the sum of \$1,000,000.00 for the fiscal year ending September 30, 1991, to the Department of Agriculture and Industries Agricultural Development Services Program, which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication; to provide that such appropriation shall be supplemental.

Committee on Agriculture,  
Conservation, and Forestry

By Senators Hale, Lindsey, Horn, and Bedsole:

**S. 383.** To provide that all procedures, protections and remedies afforded to a motor vehicle dealer shall also be available to a motor vehicle distributor whose distributor agreement is terminated, canceled, not renewed, modified or replaced by a manufacturer or an importer.

Committee on Judiciary/Civil

By Senators Preuitt, Bedsole, Hale, and Dixon:

**S. 384.** To prohibit any commercial aquaculture activities in the inland public waters of the State of Alabama regulated by the Game and Fish Division of the Department of Conservation and Natural Resources, to define "commercial aquaculture"; and to provide penalties for the violation thereof.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Smith (B):

**S. 385.** To further provide for payroll deductions for public officers and employees, so as to establish an annual Alabama State Employees Combined Charitable Campaign; to repeal Section 36-1-4.1, Code of Alabama 1975, as amended, relating to local United Way agencies and certain other health charities and payroll deductions.

Committee on Governmental  
Affairs/State Administration

By Senator Bolling:

**S. 386.** To amend Section 2-6-1, Code of Alabama 1975, which creates and establishes an agricultural center board, so that the commissioner of agriculture and industries shall be chairman of the board instead of the governor appointing the chairman.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Bailey:

**S. 387.** To amend sections 22-9-1, 22-9-11, 22-9-12, 22-9-30, 22-9-33 through 22-9-35, 22-9-50, 22-9-51, 22-9-70, 22-9-72, 22-9-73 and 22-9-79, relating to the Vital Statistics section to provide for a modernized system using existing technology for the collection, processing, registration and certification of vital records; to provide for an office of vital statistics and a statewide system of vital statistics; to provide for the appointment and duties of a state registrar; to establish local registration districts and local registrars; to provide for birth registration including for infants of unknown parentage, delayed birth registration and judicial procedures to establish facts of birth; to provide for death registration including delayed death registration, fetal death reports and authorization for final disposition; to provide for marriage and divorce registration; to establish procedures for amendment of vital records, disclosure of information from vital records, reproduction of vital records and copies and data from vital records; to establish fees for copies and searches for vital records; and to provide penalties for violation of this act; and to repeal sections 22-9-9, 22-9-10, 22-9-31, 22-9-32, 22-9-71 and 22-9-74 through 22-9-78.

Committee on Health

By Senator Bolling:

**S. 388.** To prohibit the stocking of certain striped bass into the

Lewis Smith Dam Reservoir.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Bailey:

**S. 389.** To amend Section 26-16-30 of the Code of Alabama 1975, relating to the children's trust fund so as to provide further for regulating the investment of trust fund money.

Committee on Public Welfare

By Senator Owens:

**S. 390.** To prohibit "hunting tournaments" as defined herein; to provide for certain exceptions; and to provide penalties for the violation thereof.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Waggoner (With Notice and Proof):

**S. 391.** Relating to Jefferson County; to provide for the orderly and efficient collection of municipal business license taxes with respect to corporations, firms, brokers, agents and other engaged in the business of buying, selling, leasing, renting, managing or representing others in the purchase, sale or lease of real property; and providing for an effective date.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 391, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Bedsole, Waggoner, and Dixon:

**S. 392.** To amend Section 22-20-3, Code of Alabama 1975, which provides for neonatal testing for certain diseases, so as to authorize certain other tests and the collection of a fee for the newborn screening program.

Committee on Health

By Senator Windom:

**S. 393.** To amend section 36-30-1 of the Code of Alabama 1975, relating to compensation for the death of peace officers and firemen so as to provide that the definition of peace officer shall include the alcoholic beverage control board enforcement division agents and to provide for retroactive effect.

Committee on Finance  
and Taxation

By Senator Waggoner:

**S. 394.** To authorize the governing body of a municipality to exempt the homesteads of residents over 65 years of age, or who are retired due to permanent and total disability, or who are blind, in whole or in part from any ad valorem property tax increase imposed for public school purposes.

Committee on Constitution  
and Elections

By Senator Lindsey:

**S. 395.** Relating to sheriffs' departments of this state; to clarify the status of the position of chief deputy sheriff and to provide that each county shall have a chief deputy sheriff.

Committee on Governmental  
Affairs/Local Government

By Senator Mitchem:

**S. 396.** To authorize any public hospital or other county or municipal agency, board or commission which has withdrawn from participation in the Employees' Retirement System to pay cost-of-living increases to retirees who were members of the Employees' Retirement System during their employment.

Committee on Finance  
and Taxation

By Senator Preuitt:

**S. 397.** To amend Section 9-11-244, Code of Alabama 1975,

relating to the taking of certain protected birds or animals by bait, so as to provide for an exception for certain hunting of migratory birds.

Committee on Agriculture,  
Conservation, and Forestry

By Senators Campbell, Barron, deGraffenried, Hilliard, Horn,  
Langford, and Foshee:

**S. 398.** To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to authorize formation of a public corporation for a statewide "One-Call Notification System" and to provide for its directors, powers and general administrative procedures; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1992.

Committee on Commerce,  
Transportation, and Utilities

By Senator Figures:

**S. 399.** To amend Sections 8-19-3, 8-19-5, 8-19-6 and 8-19-8, Code of Alabama 1975, relating to the Deceptive Trade Practices Act, so as to define certain terms and unlawful trade practices; to clarify the unlawful trade practice of odometer tampering and to provide as an unlawful trade practice certain acts relating to promotional giveaways, health spas, career consulting firms, credit repair services and debt adjustment services for a fee; to authorize the attorney general to formulate rules and regulations for enforcing this act; to provide for execution of voluntary compliance agreement; and to provide felony penalties for specific violations.

Committee on Small Business

By Senator Figures:

**S. 400.** To prohibit discrimination in the selling, renting, leasing, and financing of housing; to prohibit certain actions and activities; to provide for hearings and appeals; and to provide penalties.

Committee on Judiciary/Civil

By Senator Foshee:

**S. 401.** To amend Section 37-2-41 of the Code of Alabama 1975, relating to inspection and supervision fees of transportation companies, so as to provide further for such fees.

Committee on Commerce,  
Transportation, and Utilities

By Senator Foshee:

**S. 402.** To amend section 37-2-41, section 37-4-23 and section 37-4-116 of the Code of Alabama 1975, relating to the inspection and supervision fees paid by transportation, utility, and radio utility companies, so as to provide further for such fees; and to provide for the future compensation of certain employees.

Committee on Commerce,  
Transportation, and Utilities

By Senators Wilson, Campbell, Foshee, Hale, Lindsey, Corbett, Bailey, Ghee, Bennett, Parsons, Preuit, Bolling, Horn, Owens, and Windom:

**S. 403.** To amend Sections 16-8-26, 16-8-26.1, and 21-1-22, Code of Alabama, 1975, relating to personal leave for school personnel so as to provide for the accumulation of personal leave days.

Committee on Education

By Senator Bennett (With Notice and Proof):

**S. 404.** Relating to Jefferson County; to create a commuter rail authority called the "Metropolitan Rapid Rail Commission," hereinafter referred to as "the commission," to be constituted as a public corporation to provide and administer a commuter rail service for the county and political subdivisions of the county; to provide for the



composition of the commission; to provide for terms of office, meetings, qualifications, powers, duties, responsibilities, accountability, personnel, and finances of the commission; to provide for the authorization of acceptance of grants, appropriations and contributions; and to authorize certain public assistance to the commission.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 404, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Barron (With Notice and Proof):

**S. 405.** Relating to Jackson County; providing certain expense allowances for the chairperson and associate members of the Jackson County commission.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 405, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Barron:

**S. 406.** To authorize the State Board of Health to expend not more than \$1.5 million annually to make liability insurance premium grants to family practitioners, pediatricians and obstetricians who establish obstetrical practices in rural or underserved areas; to establish a maximum limit for the grant and authorize the State Board of Health to annually adjust such maximum limit to allow for annual premium increases; to establish criteria for eligibility; and for other purposes.

Committee on Health

By Senator Mitchem:

**S. 407.** To designate the Gerhart Chamber Music Festival as the official Alabama Chamber Music Festival.

Committee on Governmental  
Affairs/State Administration

By Senator Barron (With Notice and Proof):

**S. 408.** Relating to Jackson County; to amend further Section 1 of Act No. 79-473, S. 639, Regular Session 1979 (Acts 1979, p. 873), as amended, so as to provide further for distribution of funds received by the county from payments made in lieu of taxes made by the Tennessee Valley Authority.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 408, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

### RESOLUTIONS

Senator Hale requested and received permission to suspend the Rules to offer the following Senate Resolution, to-wit:

**SR 60.** COMMENDING CHARLIE GLOVER, CULLMAN COUNTY CHAMBER OF COMMERCE CITIZEN OF THE YEAR, 1991.

Which was filed.

Senators Parsons and Amari requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 61.** COMMENDING HENRY EUGENE ERWIN OF LEEDS, ALABAMA, RECIPIENT OF THE MEDAL OF HONOR.

WHEREAS, a native son in whom we are justly proud, is Henry Eugene (Red) Erwin of Leeds, Alabama, a veteran of World War II and recipient of the Medal of Honor, our nation's highest military award for valor in action against an enemy of the United States; and

WHEREAS, Red Erwin was serving with the United States Army Air Corps when, on April 12, 1945, his eleven-man crew was flying its 17th mission for a B-29 Super Fortress carrying 10 tons of explosives; and

WHEREAS, Sergeant Erwin was in the process of launching phosphorus bombs when one exploded in the launching chute and shot back into the aircraft, striking him in the face; and

WHEREAS, to save the aircraft and crew, he picked the bomb up and instinctively headed for the co-pilot's window; with the burning bomb clasped to his body, he cleared away obstacles with burning fingers, threw the bomb from the plane and collapsed upon the floor with his body in flames; and

WHEREAS, Sergeant Henry Eugene Erwin received the Medal of Honor on April 19, 1945, in his hospital room on a remote island in the Pacific and on October 8, 1947, following 43 operations, was discharged from the military and returned home with his wife, Betty, to Jefferson County where they raised their family; and

WHEREAS, Henry Eugene Erwin is indeed an outstanding American patriot who, in receiving the Medal of Honor, distinguished himself greatly and brought honor also to his native state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby stand in tribute to the courage of Henry Eugene Erwin of Leeds, Alabama, and, in token of highest commendation, do further direct that he receive a copy of this resolution of gratitude and praise.

On motion of Senator Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Parsons and Amari then requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 62. COMMENDING SHELLIE PHILLIPS OF BESSEMER, ALABAMA, A DISTINGUISHED PATRIOT AND VETERAN OF WORLD WAR I.**

WHEREAS, in tribute to our state's distinguished veterans of World War I, the Alabama Legislature commends Shellie Phillips of Bessemer, Alabama, an exemplar of all those who served with honor in answer to their country's call; and

WHEREAS, Mr. Phillips, a native Georgian, was a resident of Tennessee in 1917 when his national guard unit was mobilized and deployed to Camp Wheeler in Macon, Georgia, with the 122nd Infantry;

he later transferred to the 5th Signal Corps where he remained until the war was over and his discharge in 1920; and

WHEREAS, also stationed at Little Silver, New Jersey, Charlotte, North Carolina, and Camp Meade, Maryland, Private Phillips, while with the 5th Signal Corps, was involved in the training of pigeons to be used by our troops to send messages from the front lines to headquarters; reportedly, as a result of messages sent by these carrier pigeons, hundreds of lives were saved; and

WHEREAS, following the war, Mr. Phillips moved to Bessemer where he met and married his wife, Willie, a widow with five children, and in 1940, their daughter Patricia was born; and

WHEREAS, Shellie Phillips is one of the few World War I veterans in the Jefferson County area, and it is through him that we desire to honor all Alabama veterans of the First World War; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to his country, 1917-1920, and on behalf of his fellow veterans of World War I, we hereby most highly commend Shellie Phillips of Bessemer, Alabama, in whom we are justly proud and for whom a copy of this resolution shall be provided.

On motion of Senator Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Horn requested and received permission to suspend the Rules to offer the following Senate Resolution, to-wit:

**SR 63. COMMENDING THE ALABAMA YOUNG BANKERS SECTION OF THE ALABAMA BANKERS ASSOCIATION.**

Which was filed.

Senators Ghee, Amari, Waggoner, Bennett, Horn, Parsons, Corbett, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuitt, Sanders, Smith (B), Smith (J), Wilson, and Windom requested and received permission to suspend the Rules to offer the following Senate Resolution, to-wit:

**SR 64. COMMENDING THE BIRMINGHAM NEWS FOR DISTINGUISHED ACHIEVEMENT.**

Which was filed.

### REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Lindsey and Corbett:

**S. 367.** To amend Sections 24-7-2 and 24-7-3 of the Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to provide further for the appointment of members of the Authority and to provide further for the duties and powers of the Authority.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bennett:

**S. 319.** To amend Sections 22-23-32, 22-23-37, 22-23-40, 22-23-41, 22-23-44, 22-23-47 and 22-23-49, Code of Alabama 1975, relating to the Alabama Safe Drinking Water Act, so as to provide further for the regulatory authority of the department of environmental management, notification of users of certain violations, sampling of water supplied to the public, applications and issuance of permits, and the crime of tampering with a public water supply.

By Senators Barron and Bolling:

**S. 322.** Requiring any insurance company, health maintenance organization, employer or other organization that provides a pharmaceutical program to their employers or members, to obtain written proof that the provider pharmacies are registered with the Alabama state board of pharmacy and prescribing penalties for violation.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Bolling and Barron (With Amendment):

**S. 323.** To amend Section 27-1-16, Code of Alabama 1975, which relates to standard health insurance claim forms; so as to provide for use of a certain pharmacy claim form.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bolling:

**S. 284.** To amend Section 36-21-7, Code of Alabama 1975, which provides for reimbursement of the cost of mandated training to the governmental entity that paid for such training where one governmental entity hires law enforcement officers, fire protection personnel or firefighters employed by another governmental entity within 12 months following completion of said training, so as to increase the 12-month period to 24 months; to require reimbursement of training costs, which are mandated by law or necessary to enable an employee to become certified, to the governmental entity that paid for such training where one governmental entity hires ambulance service operators, ambulance drivers, ambulance attendants, ambulance driver-attendants, emergency medical technicians, or water and wastewater operators employed by another governmental entity within 24 months following completion of said training.

By Senator Little:

**S. 101.** To amend Sections 9-13-196 and 9-13-197, Code of Alabama 1975, relating to failure to pay certain assessments on forest lands, so as to provide further for the sale and redemption of said land and provide further for the retroactive repeal of local laws levying an acreage assessment.

By Senators Mitchell, Bedsole, Bolling, Lipscomb, Denton, Lindsey, Foshee, Sanders, and Bailey:

**S. 203.** To address the nursing shortage affecting the Alabama Department of Public Health in rural areas by providing for loans for books, tuitions, fees, and other educationally-related expenses incurred by employees of the Alabama Department of Public Health attending nursing school on a part-time or full-time basis; to require such loan

recipients to enter into a contract committing them to work as nurses full-time for the health department or for a federally-funded community health center in a rural area or underserved area of the state for at least four years; to provide for forgiveness of such loans for recipients who serve the health department in rural or underserved areas; to provide civil penalties for loan recipients who fail to honor the contract; to provide for full-time or part-time employment for such recipients while attending school.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bolling (With Amendment):

**S. 285.** To amend the title and section 1 of Act No. 90-281, S. 361, 1990 Regular Session (Acts 1990, p. 355) relating to the financing and construction of public roads and bridges by the issuance of bonds with the proceeds to be used to repair public roads and bridges that were damaged during floods that occurred in February or March, 1990, so as to include the public roads and bridges that were damaged or destroyed during floods that occurred in December, 1990 or January, 1991.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

**S. 281.** Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1992, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

By Senator Waggoner:

**S. 327.** Relating to the state dental examiners board; to amend Sections 34-9-8, 34-9-16 and 34-9-43, Code of Alabama 1975, so as to provide for certain increases of fees of the board and to provide further for the publication by the board of its list of licenses.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Substitute):

**S. 29.** To establish the Alabama legislative compensation commission, its membership, expenses, powers and duties; and to provide that the commission's recommendations to the legislature for expense allowance shall be introduced by the fifth legislative day of the last regular session of the quadrennium.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

**S. 287.** To amend the Alabama Juvenile Justice Act, Sections 12-15-1, 12-15-33 and 12-15-65, Code of Alabama 1975, so as to define further the term "Delinquent Act"; to provide further for the transfer of certain cases to the juvenile court from other courts; and to provide further for the proceeding to allow a child to withdraw from school.

By Senator Denton:

**S. 175.** To amend Section 13A-5-40, Code of Alabama 1975, which provides for capital offenses, so as to include murder committed while trafficking in controlled substances as a capital offense.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Ellis (With Amendment):

**S. 324.** To amend Sections 36-21-44, 36-21-45 and 36-21-46 of the Code of Alabama 1975, which relate to the peace officers standards and training commission, so as to provide further for its powers, duties,



functions and allowances; and to provide further for the establishment and operation of certified police academies by the commission and the salaries and benefits of the directors and employees of such academies.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Hale, Dixon, Lipscomb, and Ellis:

**S. 125.** To provide that the state administrator of the Interstate Compact for the Supervision of Parolees and Probationers shall have the authority to issue warrants for arrest of an out-of-state parolee or an out-of-state probationer when he has reason to believe that an offense or violation of parole or probation in an interstate compact case has been or is being committed; and to provide that he shall be available or on call on a 24-hour-a-day basis, seven days a week.

By Senators Hale, Dixon, Lipscomb, and Ellis:

**S. 124.** To authorize the board of pardons and paroles to appoint outside of the merit system former board members or retired probation and parole officers to serve as special hearing examiners from time to time; to define the powers and duties of special hearing examiners; to provide for reimbursement of certain expenses of special hearing examiners; and to provide immunity from civil actions for performance of duty as special hearing examiners.

By Senator Hilliard:

**S. 121.** To repeal Section 13A-12-250, Code of Alabama 1975, which imposes additional penalties for the sale of controlled substances near schools.

By Senator Hale:

**S. 131.** To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for nighttime searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, relating to search warrants.

By Senator Smith (B):

**S. 139.** To provide that appeals from death sentence cases and

from post conviction writs involving such cases shall be directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; and to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act.

By Senators Foshee, Amari, Bailey, Sanders, Denton, Hale, Hilliard, Horn, Langford, Bennett, Wilson, Bolling, Parsons, Owens, Bedsole, Dial, deGraffenried, Mitchem, Waggoner, Floyd, Smith (J), and Lindsey:

**S. 196.** To amend Section 32-5-313, Code of Alabama 1975, which relates to traffic infraction penalties used to fund the driver education and training fund, so as to provide further for the penalties and for distribution of the revenues collected.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Amendment):

**S. 130.** To amend Section 14-9-41 of the Code of Alabama 1975, which relates to computation of incentive time deductions, so as to allow an inmate who has been sentenced to a term of 15 years or less in the state penitentiary to earn correctional incentive time in accordance with the other provisions of this section.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Amari:

**S. 154.** To amend section 12-15-1, Code of Alabama 1975, which relates to juvenile proceedings, so as to further define "delinquent act."

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a

favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale (With Substitute):

**S. 150.** To amend Section 34-24-160, Code of Alabama 1975, relating to applications to practice chiropractic, so as to provide further for said applications.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hale:

**S. 189.** To provide authority for the department of corrections to make disposition of funds deserted by inmates or their families or designated beneficiary or personal representatives due to escape, parole, release, death or execution; to provide for the time at which such funds are deemed deserted; and to provide that such deserted funds shall escheat to the State of Alabama, department of corrections; and to continuously appropriate such escheated funds to the department of corrections operating funds for current use.

By Senator Bennett:

**S. 297.** To amend Section 13A-7-29 of the Code of Alabama 1975, relating to the crime of criminal littering so as to provide further for punishment.

By Senators deGraffenried and Waggoner:

**S. 64.** To amend sections 22-52-2, 22-52-3, 22-52-4, 22-52-6, 22-52-7, 22-52-8, 22-52-9, 22-52-11, 22-52-12, 22-52-13, and 22-52-15, Code of Alabama 1975, relating to mental health and mental retardation, so as to provide further for the involuntary commitment, discharge and transfer of persons in state institutions; to prescribe definitions; to provide for new commitment criteria for persons whom petitions for involuntary commitment have been filed and to grant the department the authority to designate mental health facilities to receive persons for evaluations, admissions, detention, treatment and discharge; to allow designated mental health facilities to contract with public or private mental health facilities, subject to approval by the department, for

care and treatment of committed persons; to allow the probate court the alternative to commit a respondent to outpatient treatment; to create standards that the probate court must follow in ordering outpatient treatment and to set a time limit on the outpatient treatment order; to create criteria for inpatient treatment, to set time limits on the order for inpatient commitment, and to provide a mechanism whereby an inpatient commitment order may be extended; to provide for the appointment of special probate judges to consider, hear and enter appropriate orders with regard to the renewal of commitment orders; to allow the transfer of a respondent committed to inpatient treatment to another treatment facility; to grant all persons acting in good faith in connection with the evaluation, examination, certification, testing, admission, detention, treatment or discharge of any respondent, freedom from all civil liability by reason of such action; to specifically repeal sections 22-52-1 and 22-52-10 of the Code of Alabama 1975; and to provide for an effective date.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Corbett (With Substitute):

**S. 9.** To amend section 40-6A-2, Code of Alabama 1975, relating to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this state, so as to add chief appraisers to the list of officials and to redefine "other persons charged with assessing and collecting" as "other officials whose primary duty is appraising, assessing and/or collecting"; to provide that the minimum salaries of chief appraisers be 85 percent of the tax assessor or revenue commissioner salary, in the county where the chief appraiser is employed; and to provide an effective date.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton (With Amendment):

**S. 22.** To amend Sections 40-6-1, 40-6-3, and 40-6-4, Code

of Alabama 1975, as amended, relating to the qualifications, compensation, and benefits of supernumerary tax assessors, tax collectors, revenue commissioners, license commissioners or other elected or appointed officials charged with the assessment and/or collection of ad valorem taxes, so as to establish the minimum age of qualification; to provide for an increase in compensation; to provide further for the method of determining such compensation; to provide for future increases in such compensation; to provide for an increase in compensation of surviving spouses of such officials and for future increases in such compensation; to exempt the compensation of such officials and their surviving spouses from state income tax after 1991; and to repeal Sections 40-6-5, 40-6-7 and 40-6-8, which relate to election to participate in the tax collectors and tax assessors supernumerary program.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Langford:

**S. 161.** To amend Act No. 90-624, H. 570, 1990 Regular Session, codified as Section 36-29-14, Code of Alabama 1975, which provides the procedure for officers, employees and retirees of certain cities, towns, fire districts, water and fire authority districts and the Alabama League of Municipalities to be covered under the state employees' health insurance plan, so as to provide that coverage and benefits do not have to be the same as those of state employees.

By Senator Foshee:

**S. 171.** Relating to the fee to be charged by probate judges; to amend Section 12-19-90 of the Code of Alabama 1975, to remove the requirement to charge a fee for celebrating the rites of matrimony.

By Senator Foshee:

**S. 191.** To amend Sections 12-17-220 and 36-26-10, Code of Alabama 1975, relating to certain employees within the district attorneys' offices and the State Merit System, so as to provide that assistant district attorneys, investigators, clerical, secretarial and other personnel employed in a district attorney's office serve at the pleasure of the district attorney and are in the exempt service of the state and to provide for its retroactive effect.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Mitchell:

**S. 195.** To amend Section 36-21-8, Code of Alabama 1975, relating to certain law enforcement officers retaining their badge and pistol as part of retirement benefits, to include certain law enforcement officers who are employees of the state forestry commission.

By Senator Smith (B):

**S. 333.** To amend Sections 35-15-1, 35-15-2 and 35-15-3 of the Code of Alabama 1975, relating to the duty of care owed persons on premises for sporting or recreational purposes so as to provide further that sporting or recreational activities include caving (exploring caves) and rock climbing.

By Senators Windom, Bedsole, Denton, Dixon, Hale, Waggoner, Ellis, Bailey, Wilson, Lindsey, and Lipscomb:

**S. 39.** To provide for immunity for certain persons responding to certain oil spills.

By Senator Denton:

**S. 355.** To amend Sections 9-11-46, 9-11-47, 9-11-48 and 9-11-49, Code of Alabama 1975, relating to nonresident hunting licenses, so as to increase the fees, and to delete certain provisions relating to the length of deer seasons under such licenses and to authorize guide hunting services.

By Senator Hale:

**S. 356.** Relating to hunting, fishing and fur dealer's licenses; to amend Sections 9-11-32, 9-11-33 and 9-11-63, Code of Alabama 1975, so as to provide further for the effective dates of such licenses.

By Senator Bolling:

**S. 357.** To amend Sections 9-11-55 and 9-11-56, Code of Alabama 1975, relating to certain nonresident fishing licenses, so as to further provide for the costs thereof.

By Senator Bedsole:

**S. 365.** To provide for special lifetime hunting, fishing and combination licenses for certain residents.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Lindsey, Ellis, Hale, and Bolling:

**S. 185.** To repeal Sections 16-9-5, 16-9-6 and 16-9-7 of the Code of Alabama 1975, relating to the nomination by political parties, primary election to nominate and instructions on the ballot of county superintendents of education.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Corbett, Campbell, Mitchem, Denton, Lindsey, Parsons, Bolling, Hilliard, Sanders, Windom, Foshee, and Ghee (With Substitute):

**S. 311.** To amend Section 16-11-2, Code of Alabama, 1975, pertaining to city boards of education so as to further provide for districts the number of members, to establish residency requirements, to establish certain provisions pertaining to compensation, and to repeal certain provisions. Furthermore relating to elected city boards of education, to allow a city-wide referendum in those cities with appointed boards of education; to set dates of elections and referendums; to establish the ballot language; to set terms of office; to provide for vacancies; to provide for districts; and to repeal conflicting provisions.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bailey:

**S. 2.** To further provide for certain unclaimed personal

property; to amend Sections 35-11-170, 35-11-171 and 35-12-6, Code of Alabama 1975, as amended, relating to certain unclaimed personal articles, goods and clothing so as to include altered goods and apparel; and to provide for notice.

By Senators Bailey, Hilliard, Langford, Owens, Dial, Hale, and Little:

**S. 88.** To provide for an optional system for disabled veterans to apply by mail for the purchase and renewal of motor vehicle tags or decals; to provide for notice, application and manner of such notice and purchase; to provide for the collecting and disposition for additional fees and made in *pari materia* with Sections 40-12-244 and 40-12-254, Code of Alabama 1975, relating to the exemption of privilege and license tax and registration fees on automobiles and motor vehicles owned by certain veterans and certain disabled veterans; and to provide for state and county implementation.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Owens (With Amendment):

**S. 105.** To amend Sections 40-1-33, 40-12-390, 40-12-391, 40-12-392, 40-12-394, 40-12-396, 40-12-398 and 40-12-414, Code of Alabama 1975, relating to automotive vehicle dealers, so as to exclude certain license information from general confidentiality provisions, provide further for revocation and denial of licenses, define certain terms, provide further for requiring certain business licenses, increase the surety bonds, increase the penalty for noncompliance, authorize the revenue department to promulgate rules and regulations and to repeal Section 40-12-52, Code of Alabama 1975, which requires a privilege license for automobile salesmen.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton:

**S. 142.** Providing for the permitting and regulation of persons, firms, associations and corporations engaged in the alarm systems



business in this state under the regulatory authority of the state fire marshal; authorizing the state fire marshal to prescribe fees for certain permits and identification cards related to such business; prescribing penalties for enforcement and providing procedures for the administration of this act.

Senator Dial, Chairperson of the Standing Committee on Industrial Development and Expansion, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Dial and Bedsole:

**S. 71.** To provide for the "Alabama Safety Belt Use Act"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

By Senator Hale:

**S. 165.** To authorize the State Industrial Development Authority to sell and issue, from time to time, up to \$100,000,000 in principal amount of its bonds in addition to those heretofore authorized to be issued by it, provided not more than \$10,000,000 in aggregate amount shall be issued in any two-year period and not more than \$40,000,000 in aggregate principal amount shall be outstanding at any one time; to expand certain powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to certain grantees, subject to certain limitations, for the purpose of paying costs of preparation of sites for use by certain enterprises; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge

the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

By Senator deGraffenried:

**S. 188.** To establish the Alabama Experimental Program to Stimulate Competitive Research, states the program's goals and objectives, creates a governing board, enumerates its powers and designates a fiscal agent.

### NOTICE IN WRITING

Senator Campbell offered the following Notice in Writing, to-wit:

### NOTICE IN WRITING

Notice is hereby given that on the next legislative day a motion will be made to amend Senate Rule 24 by adding Section (b) as follows:

**RULE 24. (a)** Every bill on first reading shall be referred to a standing committee, and shall be read a second time when returned from the committee on any subsequent day.

**(b)** Any bill introduced with Notice and Proof that affects more than one county whether directly or indirectly shall be considered in all aspects as a general bill and shall be assigned to a committee dealing with the subject matter therein.

Which was read and ordered filed with the Secretary.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 55.** COMMENDING TOM C. COBURN OF TUSCUMBIA FOR DISTINGUISHED SERVICE TO THE LEGISLATURE AND THE STATE OF ALABAMA.

Also:

**SJR 57.** PROVIDING FOR THE PLACEMENT OF DIRECT-

IONAL SIGNS TO TALLADEGA NATIONAL FOREST AND  
TALLADEGA SCENIC BY-PASS AT THE HIGHWAY 9 AND  
HIGHWAY 46 EXITS OF I-20 IN CLEBURNE, COUNTY.

JOHN W. PEMBERTON,  
Clerk.

### MOTIONS IN WRITING

Senator Denton offered the following Motion in Writing, to-wit:

I move that the Bill, SB 169, on page 38 of the 6th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, SB 169, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Foshee offered the following Motion in Writing, to-wit:

I move that the Bill, SB 187, on page 11 of the 6th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, SB 187, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### RESOLUTIONS

Senator Smith (J) offered the following Senate Resolution, to-wit:

**SR 65. DESIGNATING MAY 12-18, 1991, NURSING HOME WEEK.**

Which was filed.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 66. SPECIAL ORDER CALENDAR.**

**RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business

taking precedence over all other matters upon reaching bills on third reading for the sixth legislative day of the 1991 Regular Session only:

Inst Id	Page
<b>S. 82</b> Motor Vehicle Franchise Act, unfair trade practices, statute of limitations alt., Secs. 8-20-4, 8-20-5, 8-20-7, 8-20-9, 8-20-11 am'd.	29
<b>S. 81</b> Brandy, exempt from cert. labeling requirements, Secs. 28-3-1, 28-3-187.1 am'd.	27
<b>S. 151</b> Legal holidays, observance of alt., Sec. 1-3-8 am'd.	22
<b>S. 111</b> Home builders, licensure and regulation	25
<b>S. 1</b> Hunting by nonresidents without licenses, penalty incr., Sec. 9-11-51 am'd.	5
<b>S. 14</b> Checkoff on st. income and franchise tax returns for indigent offender alcohol and drug treatment trust fund	13
<b>S. 137</b> Acts of Alabama, 1989 Sp. Sess. and 1990 Reg. Sess., codified	31
<b>S. 43</b> Regional reciprocal banking, acquisition of Al. bank holding company or an Al. bank by a regional bank holding company, Sec. 5-13A-3 am'd.	3
<b>S. 28</b> Hospices, licensing of, Secs. 22-21-20, 22-21-27 am'd	32
<b>S. 58</b> Respiratory Care Act estab., bd., license, fees	33
<b>S. 40</b> Municipalities and cos., auth. to assist each other and other cos. and muns. in disasters	4

**REGULAR SESSION**  
**6th Day**

393

<b>S. 193</b>	15
University football coaches, auth. to participate in American Football Coaches Retirement Trust	
<b>S. 303</b>	12
Mutual aid associations, reserve liabilities for policies alt., Sec. 27-30-34 am'd.	
<b>S. 48</b>	28
Bar exam, cert. law school graduates, auth. to take, Sec. 34-3-2.1 am'd.	
<b>S. 96</b>	30
Rental-purchase agreements, exempt from UCC security interest definition, Secs. 7-1-201, 8-25-1, 8-25-3 am'd.	
<b>S. 51</b>	14
Institute for Deaf and Blind, surplus prop. auth. to be traded in on replacement prop. without public bid	
<b>S. 52</b>	14
Institute for Deaf and Blind, bd. of trustees, auth. to be reimbursed for expenses, no comp., Sec. 21-1-2 am'd.	
<b>S. 90</b>	24
Child labor laws, revised, business reg. for health, safety and welfare of minors, Secs. 25-8-1 through 25-8-31 repealed	

On motion of Senator Preuitt, the Resolution was adopted by the Senate.

**BUDGET ISOLATION RESOLUTION**

Senator Parsons requested and received permission to suspend the Rules in order to bring up the following Bill, SB 41, to-wit:

Senator Parsons, B.I.R., SB 41, adopted.

Yeas 22   Nays 1

Yeas:

Senators:

Bailey, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Ghee, Hale, Hilliard, Horn, Lindsey, Little, Owens, Parsons, Preuitt, Smith (B), Waggoner, Wilson, and Windom -22

Nay: Senator Amari

- 1

**BILLS ON THIRD READING****THE BILL:**

**S. 41.** To propose an amendment to the Constitution of 1901, for Jefferson County, pursuant to Amendment No. 425 of the Constitution providing further for license taxes on certain real estate operations and transactions; and to provide for implementation.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Ghee, Hale, Hilliard, Horn, Lindsey, Lipscomb, Little, Owens, Parsons, Preuitt, Smith (B), Smith (J), Waggoner, Wilson, and Windom -24

Nays:

- 0

**MOTION TO RECESS LOST**

At 12:35 P.M., Senator Corbett moved that the Senate take a recess until 2 o'clock P.M., which motion was lost.

Yeas 8 Nays 16

Yeas:

Senators:

Amari, Campbell, Corbett, deGraffenried, Hilliard, Lindsey, Parsons, and Windom - 8

Nays:

Senators:

Bailey, Bedsole, Denton, Dial, Dixon, Ellis, Foshee, Hale, Lipscomb, Little, Mitchell, Owens, Preuitt, Smith (B), Smith (J), and Wilson -16

**BUDGET ISOLATION RESOLUTION**

Senator Hale, B.I.R., SB 82, adopted.

Yeas 22 Nays 3

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Smith (B), Waggoner, and Wilson -22

Nays:

Senators:

Amari, Corbett, and Windom

- 3

**SPECIAL ORDER**

**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

**S. 82.** To amend Sections 8-20-4, 8-20-5, 8-20-7, 8-20-9 and 8-20-11, Code of Alabama 1975, which relate to the Motor Vehicle Franchise Act, so as to provide further for unfair and deceptive trade practices, terminations and nonrenewals of franchise relationships, the warranty obligations to dealers and the amount of civil damages.

was taken up.

The Standing Committee on Judiciary/Civil reported the following substitute for the Bill, SB 82, to-wit:

**SUBSTITUTE FOR SB 82**

**A B I L L  
T O B E E N T I T L E D  
A N A C T**

To amend Sections 8-20-4, 8-20-5, 8-20-7 and 8-20-9, Code of Alabama 1975, which relate to the Motor Vehicle Franchise Act, so as to provide further for unfair and deceptive trade practices, terminations and nonrenewals of franchise relationships, and the warranty obligations to dealers.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Sections 8-20-4, 8-20-5, 8-20-7 and 8-20-9, Code of Alabama 1975, are hereby amended to read as follows:

"§8-20-4.

"Notwithstanding the terms, provisions or conditions of any dealer agreement or franchise or the terms or provisions of any waiver, prior to the termination, cancellation or nonrenewal of any dealer agreement or

franchise, the following acts or conduct shall constitute unfair and deceptive trade practices:

"(1) For any manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative to coerce or attempt to coerce any motor vehicle dealer:

"a. To accept, buy or order any motor vehicle or vehicles, appliances, equipment, parts or accessories therefor, or any other commodity or commodities or service or services which such motor vehicle dealer has not voluntarily ordered or requested except items required by applicable local, state or federal law; or to require a motor vehicle dealer to accept, buy, order or purchase such items in order to obtain any motor vehicle or vehicles or any other commodity or commodities which have been ordered or requested by such motor vehicle dealer;

"b. To order or accept delivery of any motor vehicle with special features, appliances, accessories or equipment not included in the list price of said motor vehicles as publicly advertised by the manufacturer thereof, except items required by applicable law;

"c. To enter into any agreement with such manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative, to do any other act prejudicial to said dealer, the effect of which is to reduce the motor vehicle dealer's allocation of motor vehicles or cancel or fail to renew any franchise or any dealer agreement existing between the parties other than as hereinafter provided; provided, however, that this subsection is not intended to preclude the manufacturer or distributor from insisting on compliance with the reasonable terms or provisions of the franchise, and notice in good faith to any motor vehicle dealer of said dealer's violation of any reasonable terms or provisions of such franchise or dealer agreement or of any law or regulation applicable to the conduct of a motor vehicle dealer shall not constitute a violation of this chapter;

~~"d. To participate in any advertising campaign or contest, or to purchase any promotional materials, training materials, showroom or other display decorations at the expense of the dealer;~~

"d. To participate monetarily in an advertising campaign or contest, or to purchase any promotional materials, training



materials, showroom or other display decorations or materials at the expense of the new motor vehicle dealer. This paragraph is not intended to modify any reasonable and uniformly applied provision of the franchise which requires the new motor vehicle dealer to advertise and promote the sale of vehicles and does not apply to campaigns, contests, advertising and other promotional programs in which the new motor vehicle dealer voluntarily elects to participate;

"e. To refrain from participation in the management of, investment in or the acquisition of any other line of new motor vehicle or related products; provided that the new motor vehicle dealer maintains a reasonable line of credit for each make or line of new motor vehicle, and that the new motor vehicle dealer remains in substantial compliance with the terms and conditions of the franchise and with any reasonable facilities requirements of the manufacturer; ~~or~~

"f. To change the location of the new motor vehicle dealership or, during the course of the agreement, to make any substantial alterations to the dealership premises when to do so would be unreasonable; or

"g. To establish or maintain exclusive facilities, personnel or display space for a new motor vehicle make or line, if such requirement is not reasonable.

"(2) For any manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch, distributor representative or motor vehicle dealer to engage in any action with respect to a franchise which is arbitrary, in bad faith or unconscionable and which causes damage to any of the parties.

"(3) For any manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative:

~~"a. To adopt, change, establish or implement a plan or system for the allocation and distribution of new motor vehicles to motor vehicle dealers which is arbitrary or capricious or to modify an existing plan so as to cause the same to be arbitrary or capricious;~~

"a. To adopt, change, establish or implement a plan or system for the allocation and distribution of new or used motor

vehicles to motor vehicle dealers which is arbitrary, capricious or unreasonably discriminatory or to modify an existing plan so as to cause the same to be arbitrary, capricious, or unreasonably discriminatory;

"b. To fail or refuse to advise or disclose to any motor vehicle dealer having a franchise or dealer agreement, upon written request therefor, the basis upon which new motor vehicles of the same line make are allocated or distributed to motor vehicle dealers in the state and the basis upon which the current allocation or distribution is being made or will be made to such motor vehicle dealer;

"c. To refuse to deliver to a motor vehicle dealer in reasonable quantities and within a reasonable time after receipt of the motor vehicle dealer's order any such motor vehicles as are covered by a franchise or dealer agreement and specifically publicly advertised in the state by such manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative to be available for immediate delivery; provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this chapter if such failure is due to an act of God, a work stoppage or delay due to a strike or labor difficulty, a shortage of materials, lack of available manufacturing capacity, a freight embargo or other cause over which the manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative shall have no control;

"d. To cancel or terminate the franchise or dealer agreement of a motor vehicle dealer other than as hereinafter provided;

"e. To fail or refuse to extend the franchise or dealer agreement of a motor vehicle dealer upon its expiration other than as hereinafter provided;

"f. To offer a renewal, replacement or succeeding franchise or dealer agreement containing terms and provisions the effect of which is to substantially change or modify the sales and service obligations or capital requirements of the motor vehicle dealer other than as hereinafter provided;

"g. To offer to sell or lease, or to sell or lease, any new motor vehicle to any motor vehicle dealer at a lower actual price

therefor than the actual price offered to any other motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device including, but not limited to, sales promotion plans or programs which result in such lesser actual price and which are not offered to dealers of vehicles of the same line make; provided, however, that the provisions of this paragraph shall not apply to sale to a motor vehicle dealer for resale to any unit of the United States government, the state or any of its political subdivisions;

"h. To offer to sell or lease, or to sell or lease, any new motor vehicle to any person, except a wholesaler's or distributor's or manufacturer's employees, at a lower actual price therefor than the actual price offered and charged to a motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device which results in such lesser actual price and which are not offered to dealers of vehicles of the same line make; provided, however, that the provisions of this paragraph shall not apply to sales to a motor vehicle dealer for resale to any unit of the United States government, the state or any of its political subdivisions;

"i. To prevent or attempt to prevent by contract or otherwise any motor vehicle dealer from changing the executive management control of the motor vehicle dealer unless such change of executive management control will result in executive management control by a person or persons who are not of good moral character or who do not meet the manufacturer's or wholesaler's or distributor's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the new motor vehicle dealer, uniformly applied minimum business experience standards in the market area; provided, however, that where the manufacturer or distributor or wholesaler rejects a proposed change in executive management control, the manufacturer or distributor or wholesaler shall give written notice of his reasons to the motor vehicle dealer within 45 days of notice to the manufacturer or wholesaler or distributor by the motor vehicle dealer of the proposed change accompanied by information reflecting the identity, business experience and affiliations, and source of investment funds of the proposed new management;

"j. To prevent or attempt to prevent by contract or otherwise any motor vehicle dealer from establishing or changing the capital structure of his dealership or the means by or through which he finances the operation thereof; provided the dealer meets any reasonable capital standards agreed to between the motor

vehicle dealer and the manufacturer, distributor or wholesaler, who may require that the sources, method and manner by which the motor vehicle dealer finances or intends to finance its operation, equipment or facilities be fully disclosed;

"k. To refuse to give effect to or prevent or attempt to prevent by contract or otherwise any motor vehicle dealer or any officer, partner or stockholder of any motor vehicle dealer from selling or transferring any part of the interest of any of them to any other person unless such sale or transfer is to a transferee who would not otherwise qualify for a new motor vehicle dealer's license issued by the state of Alabama or a political subdivision thereof or unless such sale or transfer is to a person who is not of good moral character or who does not meet the manufacturer's or wholesaler's or distributor's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area; provided, however, that where such a rejection of a transfer is made the manufacturer or distributor or wholesaler shall give written notice of his reasons to the motor vehicle dealer within 60 days of notice to the manufacturer or wholesaler or distributor by the dealer of the proposed transfer accompanied by information reflecting the identity of the new owner or owners, their business experience and affiliations and the pro forma balance sheet and source of investment funds of the proposed new dealership;

"l. To unreasonably and without notice to existing motor vehicle dealers, as hereinafter provided, enter into a franchise with an additional motor vehicle dealer who intends to conduct its dealership operations from a place of business situated within the relevant market area of an existing motor vehicle dealer or motor vehicle dealers representing the same line make. The appointment of a successor motor vehicle dealer at the same location as its predecessor or within a two-mile radius therefrom within two years from the date on which its predecessor ceased operations or was terminated, whichever occurred later, shall not be construed as the entering into of an additional franchise. Any manufacturer, distributor or wholesaler, factory branch, factory representative, distributor branch or distributor representative which intends to enter into an additional franchise shall, at least 60 days prior to granting such franchise, give written notice of its intention to do so to each motor vehicle dealer of the same line make within the relevant market area. Such notice shall state the date on or after which such proposed franchise shall be granted or entered into.

Prior to the date set forth in said notice on or after which such franchise will be entered into, any such motor vehicle dealer may petition a court of competent jurisdiction to determine whether such appointment or proposed appointment is unreasonable in which action the manufacturer, wholesaler or distributor shall have the burden of proof that such action is not unreasonable. No bond shall be required as a precondition to entry of an injunction enjoining appointment of an additional franchise. Such petition shall be entitled to a speedy trial. In determining whether such proposed appointment is unreasonable, the court shall consider all pertinent circumstances. These may include but are not limited to:

"1. Whether the establishment of such additional franchise is warranted by economic and marketing conditions including anticipated future changes;

"2. The past, present and anticipated retail sales and service business transacted by the objecting motor vehicle dealer or dealers and other motor vehicle dealers of the same line make with a place of business in the relevant market area;

"3. The investment made and obligations incurred by the objecting motor vehicle dealer or dealers and other motor vehicle dealers of the same line make with a place of business in the relevant market area;

"4. Whether it is beneficial or injurious to the public welfare for an additional franchise to be established.

~~"m. To prospectively require a motor vehicle dealer to assent to a release, assignment, novation, waiver or estoppel which would relieve any person from liability imposed by this chapter;~~

m. To prospectively assent to a release, assignment, novation, waiver or estoppel which would relieve any person from any liability or obligation under this chapter or to require any controversy between a new motor vehicle dealer and a manufacturer to be referred to any person other than the duly constituted courts of this state or the United States, if the referral would be binding on the new motor vehicle dealer;

"n. To prevent or refuse to give effect to the succession to the ownership or management control of a dealership upon the death or incapacity of a motor vehicle dealer to any legatee or devisee under the will of a dealer or to an heir under the laws of

descent and distribution of this state unless the successor is a person who is not of good moral character or who does not meet the manufacturer's or distributor's or wholesaler's existing and reasonable capital standards and, with consideration given to the volume of the sales and service of the dealership, uniformly applied minimum business experience standards in the market area; provided, however, that where such a rejection of succession is made, the manufacturer or distributor or wholesaler shall give written notice of his reasons to the proposed successor within 60 days of notice to the manufacturer or wholesaler or distributor by the proposed successor of his intent to succeed to the ownership or management of the dealership accompanied by information reflecting the identity of the new owner or owners, their business experience and affiliation and the pro forma balance sheet and source of investment funds of the proposed new dealership. This section does not preclude the owner of a new motor vehicle dealer from designating any person as his successor by written instrument filed with the manufacturer or distributor and, in the event there is a conflict between such written instrument and the provisions of this section, the written instrument shall govern;

"o. To fail to indemnify and hold harmless its motor vehicle dealers against any losses, including, but not limited to, court costs and reasonable attorneys' fees, or damages arising out of complaints, claims or lawsuits, including, but not limited to, strict liability, negligence, misrepresentation, warranty (express or implied) or rescission of the sale where the complaint, claim or lawsuit relates to the manufacture, assembly or design of new motor vehicles, parts or accessories, or other functions by the manufacturer, beyond the control of the dealer, including, without limitation, the selection by the manufacturer of parts or components for the vehicle, or any damages to merchandise occurring in transit to the dealer where the carrier is designated by the manufacturer;

"p. To increase prices of new motor vehicles which the new motor vehicle dealer had ordered for retail consumers prior to the dealer's receipt of the written official price increase notification. A sales contract signed by a retail consumer shall constitute evidence of each such order; provided that the vehicle is in fact delivered to that customer. In the event of manufacturer price reductions or cash rebates, the amount of any such reduction or rebate received by a dealer shall be passed on to the retail consumer by the dealer if the retail price was negotiated on the basis of the previous higher price to the dealer. Price reductions

shall apply to all vehicles in the dealer's inventory which were subject to the price reduction. Price differences applicable to new model or series motor vehicles at the time of the introduction of new models or series shall not be considered a price increase or price decrease. Price changes caused by either: (1) the addition to a motor vehicle of required or optional equipment pursuant to state or federal law; (2) revaluation of the United States dollar, in the case of foreign-made vehicles or components; or (3) an increase in transportation charges due to increased rates imposed by common or contract carriers, shall not be subject to the provisions of this paragraph;

"q. To offer any refunds or other types of inducements to any person for the purchase of new motor vehicles of a certain line make to be sold to the state or any political subdivision thereof without making the same offer to all other new motor vehicle dealers in the same line make within the state;

"r. To release to any outside party, except under subpoena, or as otherwise required by law or in an administrative, judicial or arbitration proceeding, any business, financial, or personal information which may be from time to time provided by the dealer to the manufacturer, without the express written consent of the dealer; or

"s. To compete with a new motor vehicle dealer in the same line make operating under an agreement or franchise from the aforementioned manufacturer in the relevant market area. A manufacturer shall not, however, be deemed to be competing when operating a dealership either temporarily for a reasonable period, or in a bona fide retail operation which is for sale to any qualified independent person at a fair and reasonable price, or in a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of such dealership on reasonable terms and conditions, or

"t. To make any material change in any franchise agreement without giving the dealer written notice by certified mail of such change at least sixty (60) days prior to the effective date of such change."

"§8-20-5.

"(a) Notwithstanding the terms, provisions or conditions of any agreement or franchise or notwithstanding the terms or

provisions of any waiver, no manufacturer shall cancel, terminate, modify, fail to renew or refuse to continue any franchise relationship with a licensed new motor vehicle dealer unless the manufacturer has:

"(1) Satisfied the notice requirement of this section;

"(2) Acted in good faith as defined in this chapter;

"(3) Has good cause for the cancellation, termination, modification, nonrenewal or noncontinuance.

"(b) Notwithstanding the terms, provisions or conditions of any agreement or franchise or the terms or provisions of any waiver, good cause shall exist for the purposes of a termination, cancellation, modification, nonrenewal or noncontinuance when:

"(1) There is a failure by the new motor vehicle dealer to comply with a provision of the franchise which provision is both reasonable and of material significance to the franchise relationship, provided that the manufacturer first acquired actual or constructive knowledge of such failure not more than 180 days prior to the date on which notification is given by the manufacturer pursuant to the requirements of this section;

"(2) If the failure by the new motor vehicle dealer to comply with a provision of the franchise relates to the performance of the dealer in sales or service, then good cause shall be defined as the failure of the dealer to substantially comply with the reasonable performance provisions of the franchise if:

"a. The new motor vehicle dealer was apprised by the manufacturer in writing of such failure; and

"1. Said notification stated that notice was provided of failure of performance pursuant to this chapter; and

"2. The new motor vehicle dealer was afforded a reasonable opportunity, for a period of not less than six months, to exert good faith efforts to carry out such provisions; and

"3. The new motor vehicle dealer did not demonstrate substantial compliance with the manufacturer's performance standards during such period and that the failure to demonstrate such compliance was not due to factors which were beyond the control of such dealer.



"b. Such failure thereafter continued within the period which began not more than 180 days before the date notification of termination, cancellation, modification or nonrenewal was given pursuant to this section; and

"(c) The manufacturer shall have the burden of proof for showing that it has acted in good faith, that the notice requirements have been complied with, and that there was good cause for the franchise termination, cancellation, modification, nonrenewal or noncontinuance.

"(d) Notwithstanding the terms, provisions or conditions of any agreement or franchise or the terms or provisions of any waiver, prior to the termination, cancellation, modification or nonrenewal of any franchise, the manufacturer shall furnish notification of such termination, cancellation, modification or nonrenewal to the new motor vehicle dealer as follows:

"(1) In the manner described in subsection (e); and

"(2) Not less than 90 days prior to the effective date of such termination, cancellation, modification or nonrenewal or not less than 30 days prior to the effective date of such termination, cancellation or nonrenewal with respect to any of the following:

"a. Filing of any petition by or against the new motor vehicle dealer under any bankruptcy or receivership law;

"b. Willful or intentional misrepresentation made by the new motor vehicle dealer with the express intent to defraud the manufacturer or distributor;

"c. Failure of the new motor vehicle dealer to conduct its customary sales and service operations during its customary business hours for seven consecutive business days;

"d. Final conviction (including appeal) of the new motor vehicle dealer, principal owner or principal executive manager of any felony.

"(e) Notification under this section shall be in writing; shall be by certified mail or personally delivered to the new motor vehicle dealer; and shall contain:

"(1) A statement of intention to terminate the franchise,

cancel the franchise, modify the franchise or not to renew the franchise; and

"(2) A statement of the reasons for the termination, cancellation, modification or nonrenewal; and

"(3) The date on which such termination, cancellation, modification or nonrenewal takes effect.

"(f) Upon the termination, cancellation or nonrenewal by the manufacturer of any franchise for good cause, the new motor vehicle dealer shall be paid fair and reasonable compensation by the manufacturer for the:

"(1) New motor vehicle inventory of the current and previous model year which has been acquired from the manufacturer. Any new and unused motor vehicle repurchased by the manufacturer shall be repurchased at the net cost to the dealer;

"(2) Supplies and parts acquired by the new motor vehicle dealer from the manufacturer or its approved sources within seven years prior to the effective date of the termination, cancellation or nonrenewal;

"(3) Equipment, signs and furnishings acquired by the new motor vehicle dealer from the manufacturer or its approved sources;

"(4) Special tools;

"(5) Dealership facilities, if the facilities were required to be purchased or constructed as a precondition to obtaining the franchise or to its renewal by the manufacturer. The manufacturer shall use its best efforts to locate a purchaser who will offer to purchase the facilities at a reasonable price. If the manufacturer does not locate a purchaser within a reasonable time, the manufacturer will pay the dealer an amount equivalent to the reasonable rental value of such facilities for three years during which time the manufacturer shall be entitled to possession of said facilities. If the facilities were leased and the lease was required as a precondition to obtaining the franchise or to its renewal by the manufacturer, then the manufacturer shall use its best efforts to locate a lessee who will offer to lease the premises for a reasonable term at a reasonable rent. If the manufacturer does not locate a lessee within a reasonable time, the manufacturer shall pay such

rent for three years or the remainder of the term of the lease, whichever is less and the manufacturer shall have the option to succeed to the rights of the dealer under the lease.

"(g) Upon the termination, cancellation or nonrenewal by the manufacturer of any franchise without good cause, the new motor vehicle dealer shall be paid fair and reasonable compensation by the manufacturer for the personal property described in subdivisions (f)(1) through (f)(4) and for the dealership facilities, if the facilities were required to be purchased or constructed as a precondition to obtain the franchise or to its renewal by the manufacturer. If the facilities were leased and the lease was required as a precondition to obtaining the franchise or to its renewal by the manufacturer, then the manufacturer shall be liable for payment of the rent for the remainder of the term of the lease during which time the manufacturer shall be entitled to possession of said facilities. The manufacturer shall also pay the dealer fair and reasonable compensation for the value of the dealership within six months after the date of termination, cancellation or nonrenewal.

"(h) Upon the termination, cancellation or nonrenewal by the manufacturer of any franchise as a result of willful or intentional misrepresentations made by the new motor vehicle dealer with the express intent to defraud the manufacturer or distributor or upon the termination, cancellation or nonrenewal by the motor vehicle dealer, the new motor vehicle dealer shall be paid fair and reasonable compensation by the manufacturer for the personal property described in subdivisions (f)(1) through (f)(4).

"(i) The fair and reasonable compensation to the dealer shall be paid by the manufacturer within 90 days after tender by the dealer of the items in subdivisions (f)(1) through (f)(4) at the dealership premises, provided the new motor vehicle dealer has clear title to the inventory and other items and is in a position to convey that title to the manufacturer."

"§8-20-7.

"(a) Every manufacturer, distributor or wholesaler, factory branch, factory representative, distributor branch or distributor representative shall specify in writing to each of its motor vehicle dealers the dealer's obligation for warranty service on its products, shall compensate the motor vehicle dealer for warranty service required of the dealer by the manufacturer, distributor or

wholesaler, factory branch, factory representative, distributor branch or distributor representative and shall provide the dealer the schedule of compensation to be paid such dealer for parts, work and service in connection with warranty services, and the time allowance for the performance of such work and service.

"(b) In no event shall such schedule of compensation fail to include reasonable compensation for diagnostic work, ~~as well as repair service, and labor, and parts.~~ Time allowances for the diagnosis and performance of warranty work and service shall be reasonable and adequate for the work to be performed. In the determination of what constitutes reasonable compensation under this section, the principal factors to be given consideration shall be the prevailing wage rates being paid by the dealer, in the community in which the dealer is doing business, and in no event shall such compensation of a dealer for warranty services including labor and parts, be less than the rates or prices charged by such dealer for like service to retail customers for nonwarranty service, and repairs, and parts, provided that such prices and rates are not unreasonable. Provided further that the provisions of this section shall not apply to the household appliances in a recreational vehicle.

"(c) It is a violation of this section for any manufacturer, distributor or wholesaler, factory branch, factory representative, distributor branch or distributor representative to fail to perform any warranty obligations under the motor vehicle manufacturer's warranty, or to fail to include in written notices of factory recalls to dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of such defects, or to fail to compensate any of the motor vehicle dealers for repairs effected by such recall.

"(d) All claims made by new motor vehicle dealers pursuant to this section for such labor and parts shall be paid within 30 days following their approval; provided, however, that the manufacturer retains the right to audit such claims and to charge back the dealer for any fraudulent claims for a period of two years following payment. All such claims shall be either approved or disapproved within 30 days after their receipt on forms and in the manner specified by the manufacturer, and any claim not specifically disapproved in writing within 30 days after the receipt shall be construed to be approved and payment must follow within 30 days."

"§8-20-9.

"(a) Notwithstanding the terms, provisions or conditions of any agreement or franchise, the new motor vehicle dealer is solely liable for damages to new motor vehicles occurring after acceptance of the new motor vehicle from the carrier and before delivery to the ultimate purchaser.

"(b) Notwithstanding the terms, provisions or conditions of any agreement or franchise, the manufacturer is liable for all damages to motor vehicles occurring before delivery to a carrier or transporter. If a new motor vehicle dealer determines the method of transportation, the risk of loss passes to the dealer upon delivery of the vehicle to the carrier. In every other instance, the risk of loss remains with the manufacturer until such time as the new motor vehicle dealer or his designee accepts the vehicle from the carrier.

"(c) With respect to new or used vehicles sold or otherwise transferred by the manufacturer to a new motor vehicle dealer, the manufacturer shall disclose in writing to the dealer, at the time of delivery of the new or used motor vehicle, the nature and extent of any and all damage and post-manufacturing repairs."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Hale offered the following amendment to the substitute for the Bill, SB 82, to-wit:

#### **AMENDMENT TO SUBSTITUTE FOR SB 82**

Amend the substitute for SB 82 on Page 16, Line 30, by adding a new subsection (j) as follows:

"(j) The terms and provisions of subsections (f) through (i) of this section shall not apply upon the termination, cancellation or non-renewal of a franchise by a motor home or motorcycle dealer."

Further amend the substitute for SB 82 on Page 17, Line 23, by deleting the following:

"Provided further that the provisions of this section shall not apply to the household appliances in a recreational vehicle."

and inserting in lieu thereof the following:

"This subsection does not apply to compensation for parts, systems, fixtures, appliances, furnishings, accessories and features of a motor home that are designed, used and maintained primarily for non-vehicular residential purposes, or parts related to motorcycle repairs."

Which was adopted.

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 49

SJR 51

SJR 46

SJR 50

SJR 44

Delivered to the Governor, May 2, 1991, at 11:25 A.M.

McDOWELL LEE,  
Secretary.

### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### ADJOURNMENT

At 1:05 P.M., on motion of Senator Corbett, in accordance with Motion heretofore adopted, and pending further consideration of the Bill, SB 82, the Senate adjourned until Tuesday, May 7, 1991, at 2 o'clock P.M.

## **SEVENTH LEGISLATIVE DAY**

**TUESDAY, MAY 7, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Billy Walker, Associate Minister, The Church of Montgomery, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Lashonda Lee, Bellingrath Junior High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senators Dial and Mitchem for today.

**MOTION TO ADJOURN**

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Thursday, May 9, 1991, at 11 o'clock A.M., which motion was adopted.

**RESOLUTION**

Senators deGraffenried, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom requested and received permission to suspend the Rules to offer the following Senate Resolution, to-wit:

**SR 67. MOURNING THE DEATH OF CHESLEY L. DIXON, MAY 7, 1991, IN MONTGOMERY, ALABAMA.**

WHEREAS, it is with deep sorrow and regret that the Alabama Senate records the lamentable death, May 7, 1991, in Montgomery, Alabama, of Chesley L. Dixon of Prosser, Washington, at the age of 78 years; and

WHEREAS, Mr. Dixon, who was the father of our friend and colleague, Larry D. Dixon, is survived also by a son, Charles L. Dixon, of Atlanta, Georgia; and

WHEREAS, the death of Chesley L. Dixon has indeed left an unfathomable void in the hearts of his family, and in the lives of his



many friends who were privileged to know him as a man of compassion and concern for the needs of others; now therefore,

**BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA,** That even as we mourn his death, we give thanks for the life and service of Chesley L. Dixon of Prosser, Washington, and extend our most heartfelt sympathy to his sons, Larry D. and Charles L. Dixon; to his beloved grandchildren; and to other family members, whose sorrow we sincerely share and, for whom, copies of this resolution shall be provided.

Which was adopted.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senators deGraffenried and Hale:

**S. 409.** To create a State of Alabama Rapid Rail Transit Commission; and to provide for its membership and duties.

Committee on Public Welfare

By Senator deGraffenried:

**S. 410.** To require all persons 16 years of age or older to present certification of completion of an approved hunter education course prior to obtaining a hunting license and provides penalties for violations.

Committee on Public Welfare

By Senator Hale:

**S. 411.** To amend Section 2-3-22 of the Code of Alabama 1975, which states that the operation of any facility or market constructed under this article shall be under the commissioner of agriculture and industries and that he is empowered to employ personnel in the unclassified service to now allow the commissioner to employ one person in the unclassified service for each market owned, controlled, or managed by the board or department of agriculture and industries.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Langford:

**S. 412.** To amend Section 12-18-87 of the Code of Alabama 1975, relating to probate judges' retirement benefits, so as to provide further for said probate judges' retirement benefits.

Committee on Governmental  
Affairs/State Administration

By Senator Hale:

**S. 413.** Relating to consumer protection; providing that the Alabama Commission on Higher Education shall have certain authority over the curricula offered to students enrolled in certain independently operated schools, colleges, academies and other like academic and instructional training facilities; providing civil remedies for violations and providing that said commission shall promulgate and implement administrative rules and procedures to carry out provisions of this act.

Committee on Education

By Senator Mitchell:

**S. 414.** To authorize state agencies an administrative option to require the timely electronic remittance of immediately available funds by any person, corporation or partnership required to satisfy an obligation due any agency of the state of Alabama amounting to one hundred thousand dollars (\$100,000) or more effective January 1, 1992, fifty thousand dollars (\$50,000) or more effective January 1, 1993 and twenty-five thousand dollars (\$25,000) or more effective January 1, 1994; establishes the date from which penalties and interest will be computed; and authorizes the promulgation of rules and regulations governing the manner in which such payments shall be made.

Committee on Banking  
and Insurance

By Senator Amari:

**S. 415.** To amend further Sections 36-21-60, 36-21-61 and 36-21-63, Code of Alabama 1975, relating to the Alabama peace officers' annuity and benefit fund, so as to provide for an additional member to the board of commissioners; to provide this additional member shall be elected by the members of the Alabama state trooper association, inc.; and to provide further for the number of members

required to constitute a quorum.

Committee on Finance  
and Taxation

By Senator Mitchell:

**S. 416.** To repeal Act No. 631, S. 722, 1977 Regular Session, relating to the compensation of the Director of the Legislative Reference Service.

Committee on Governmental  
Affairs/State Administration

By Senator Hilliard (With Notice and Proof):

**S. 417.** Relating to the City of Birmingham in Jefferson County; to amend sections 3 and 7 of Act No. 105, H. 24, Third Special Session 1971, (Acts 1971, p. 4325), so as to provide further for the process of weed removal from private property by amending the notice requirements and to authorize the collection of the special assessment by the county tax collector under the same procedures as those followed in collection of delinquent property taxes.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 417, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Little:

**S. 418.** To amend Section 41-9-625, Code of Alabama 1975, relating to the Alabama Criminal Justice Information Center Commission, so as to permit the commission to adopt policies regarding the collection, storage and dissemination of criminal history information which conform to those of the Federal Bureau of Investigation's National Crime Information Center and the criminal history repositories of other states and to repeal Sections 41-9-639 and 41-9-641, Code of Alabama 1975.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Barron (With Notice and Proof):

**S. 419.** Relating to Madison County; to provide for the election of the county superintendent of education at the expiration of the present tenure of office; to provide who may participate in said election; to provide for the election procedure; to provide for an interim appointment of the county superintendent of education in certain instances; to provide for the term of office and the method of filling vacancies; to provide for the qualifications and duties of said office and to provide for the compensation paid to the county superintendent of education.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 419, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Mitchell:

**S. 420.** To amend section 9-11-236, Code of Alabama 1975, relating to the hunting, taking, catching, capturing, or killing of, or the possession of, certain protected birds or animals during closed hunting season, so as to further prohibit the possession thereof; to provide for certain specific prohibitions and penalties relating to hunting, taking, catching, capturing, killing, or the possession of, wild turkey; and to expressly repeal section 9-11-239, Code of Alabama 1975, relating to the hunting, pursuit, capture, or killing of certain wild turkey and deer.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Bolling:

**S. 421.** To amend Section 2-5-2, Code of Alabama 1975, which set up a Farmer's Market Authority to require that the Commissioner of Agriculture and Industries shall be chairman of the authority.

Committee on Governmental  
Affairs/State Administration

By Senator Hilliard:

**S. 422.** To authorize and provide the procedure for members of

the legislature to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for members of the legislature and their dependents; to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

Committee on Economic Affairs

By Senator Smith (J):

**S. 423.** To amend Section 41-9-374, Code of Alabama 1975, relating to appropriation to the Alabama Commissioners on Uniform State Laws, so as to remove from the act the limitation on the dollar amount, and to allow the dollar amount to be set each year as a budget item.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Smith (J) (With Notice and Proof):

**S. 424.** To provide for a county law library in Madison County, and for the personnel, space, funding, operation, and maintenance thereof, making said law library part of a network with the other law libraries in the state for their mutual benefit; permitting the present Madison County law library to come under the provisions of this act if it elects to do so; and levying a library fee in certain court cases.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 424, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Foshee:

**S. 425.** To amend section 40-18-15, relating to deduction for individuals from state income taxes, so as to provide further for such deductions.

Committee on Finance  
and Taxation

By Senator Smith (J):

**S. 426.** To authorize the several state departments and agencies to prepay to officers and employees necessary travel expenses for authorized official state business; to provide that such payments shall be made in accordance with rules and regulations promulgated by the state comptroller with the approval of the chief examiner of public accounts; to provide for certain limitations and the annual audit of the expenditure of funds used in accordance with provisions of this act.

Committee on Governmental  
Affairs/State Administration

By Senator Hilliard (With Notice and Proof):

**S. 427.** To amend Section 4.04 of Act No. 452, H. 974, 1955 Regular Session (Acts 1955, p. 1004), as amended, which provided for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the 1970 federal decennial census, now defined by statute as Class 1 municipalities and applicable only to the City of Birmingham, so as to provide for the intent of this act; to provide upon the commencement of the next term of the office of mayor in 1991, and thereafter for the salary of such mayor for terms commencing in 1955 and thereafter, to make the mayor of such city ineligible to receive expense allowances as provided for in Section 11-43-86 of the Code of Alabama 1975, upon the commencement of such increased salary and to authorize reimbursement of actual expenses incurred by such mayor in the performance of such office.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 427, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Smith (J):

**S. 428.** Relating to state officers and employees; to authorize the state comptroller, with the approval of the chief examiner of public accounts, to establish procedures for the prepayment of travel expenses.

Committee on Governmental  
Affairs/State Administration

By Senators Corbett, Bailey, Windom, Little, Lindsey, Ghee, and Bedsole:

**S. 429.** To make an appropriation from the state general fund to the Department of Economic Development and Community Affairs, to make grants to promote the development and expansion of small business incubators and entrepreneurial services throughout the state that qualified public entities may use to facilitate access to other grant or local funds for this purpose; to name the contents of this bill and the programs established by the Alabama Small Business Incubator Act; to authorize the regional revolving loan policy committee established in Act 90-650 to administer this act; to authorize the said regional revolving loan policy committee to establish an advisory committee of knowledgeable entrepreneurial economic developers to assist in the duties of the committee; to provide appropriate resources for the administration of the programs established by the enactment of this bill; and to authorize the Department of Economic Development and Community Affairs to promulgate and implement rules and procedures for the administration of programs.

Committee on Economic Affairs

By Senator deGraffenried:

**S. 430.** To amend Section 9-11-236, Code of Alabama 1975, as last amended, relating to the hunting, taking, catching, capturing, or killing of, or the possession of, certain protected birds or animals during closed hunting season, so as to further prohibit the possession thereof; to provide for certain specific prohibitions and penalties relating to hunting, taking, catching, capturing, killing, or the possession of, wild turkey; and to expressly repeal Section 9-11-239, Code of Alabama 1975, relating to the hunting, pursuit, capture, or killing of certain wild turkey and deer.

Committee on Agriculture,  
Conservation, and Forestry

By Senators Wilson, Sanders, Figures, and Lindsey:

**S. 431.** Relating to suspensions under the State Employee Merit System; to amend Section 36-26-28, Code of Alabama 1975, so as to reduce the days of suspension from 30 to 20.

Committee on Governmental  
Affairs/State Administration

By Senators Dixon, Hale, Ellis, Lipscomb, Owens, Barron, Foshee, Preuitt, Denton, Mitchell, Floyd, Bailey, Waggoner, Bolling, Bedsole, Windom, and deGraffenried:

**S. 432.** To provide for the organization of a public corporation to be known as the Alabama International Airport Authority; to provide for the appointment of the members of the authority; to designate the officers and members of the board of directors; to provide that the state treasurer shall be custodian of the funds of the authority; to prescribe the powers of the authority including the power of eminent domain, the power to assess and collect fines, the power to appoint police officers, and the power to issue bonds or notes and to use the proceeds for any of its corporate purposes; to provide that such bonds or notes may be payable from one or more specified sources; to provide for the form of such bonds; to authorize the authority to issue refunding bonds; to provide that bonds issued or contracts entered into by the authority shall not create a debt or obligation of the state or any of its subdivisions unless so provided by amendment to the state constitution; to provide for the publication of notice of any resolution by the authority for the issuance of bonds and specifying a time after such publication in which actions and defenses may be asserted against said bonds; to provide that the authority may accept and expend federal, state, county, municipal, or other moneys made available to it to accomplish its corporate purposes; to provide that no civil action shall be brought or maintained against the authority or any of its directors for the negligence of the authority, its directors, or any of its agents, servants or employees; to provide that any political subdivision, public corporation, or instrumentality of the state may aid and cooperate with the authority; to provide that the bonds of the authority shall be legal investments for the state, all public officers, municipal corporations, political subdivisions, public corporations, public bodies, financial institutions, insurance companies and fiduciaries; to exempt the authority, its bonds, its income and its property from all state, county and municipal taxation; to exempt the authority from all laws from which airport authorities organized pursuant to article 2 of chapter 3 of title 4, Code of Alabama 1975, are exempt; to provide the authority with zoning powers; to provide conditions on the annexation of the authority's airports, airport facilities, other facilities and properties; to provide for the sale and distribution of alcoholic beverages and the regulation and control thereof within the authority's airports, airport facilities and other facilities; to provide that authority employees shall participate in the state employees' retirement system; to provide for the disposal of lost money or property found on authority property; to provide for the regulation of parking on authority property; and to provide for the dissolution of the authority.

Committee on Governmental  
Affairs/State Administration



By Senator Bailey:

**S. 433.** To amend Section 20-2-90 of the Code of Alabama 1975, relating to the Alabama Uniform Controlled Substance Act, so as to provide further for enforcement of these provisions by the alcoholic beverage control board enforcement division and said board's agents and officers.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Horn:

**S. 434.** Relating to funds collected on behalf of the Farmers' Market Authority; and amending Section 2-5-14, Code of Alabama 1975, to further provide for the disposition of said funds.

Committee on Finance  
and Taxation

#### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 55. COMMENDING TOM C. COBURN OF TUSCUMBIA FOR DISTINGUISHED SERVICE TO THE LEGISLATURE AND THE STATE OF ALABAMA.**

Also:

**SJR 57. PROVIDING FOR THE PLACEMENT OF DIRECTIONAL SIGNS TO TALLADEGA NATIONAL FOREST AND TALLADEGA SCENIC BY-PASS AT THE HIGHWAY 9 AND HIGHWAY 46 EXITS OF I-20 IN CLEBURNE, COUNTY.**

**JIM PREUITT,**  
Chairperson.

#### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after

the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Resolution:

**HJR 7. PROVIDING FURTHER FOR EXPENSE ALLOWANCES AND PER DIEM.**

said Governor's Message being in words and figures as follows, to-wit:

### MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Joint Resolution No. 7, without the Governor's signature and with a suggested Executive Amendment.

Done this 7th day of May, 1991.

Respectfully submitted,

H. WILLIAM WASDEN,  
Legal Advisor to  
the Governor.

### MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Joint Resolution No. 7, without my approval and with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE  
JOINT RESOLUTION NO. 7:

Please amend House Joint Resolution No. 7 on page 1, line 9 by deleting the word "five" and inserting in lieu thereof the word "three."

The adoption of the above suggested Executive Amendment will remove my objections to this Bill.

Done on this the 7th day of May, 1991.

Respectfully,

GUY HUNT  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Resolution, HJR 7, by a vote of a majority of those voting, said vote being: Yeas 59, Nays 24.

And said Resolution, HJR 7, together with the Executive amendment, is herewith sent to the Senate for its consideration.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE AND GOVERNOR'S MESSAGE**

On motion of Senator Ellis, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Resolution, HJR 7, the title of which and said Executive amendment are set in the foregoing Message from the House.

Yeas 19 Nays 12

Yeas:

Senators:

Barron, Bedsole, Bennett, Corbett, Dixon, Ellis, Figures, Floyd, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Parsons, Sanders, Smith (B), Waggoner, and Wilson  
-19

Nays:

Senators:

Amari, Bailey, Bolling, deGraffenried, Denton, Foshee, Lipscomb, Little, Owens, Preuitt, Smith (J), and Windom  
-12

which was a majority of the whole number elected to the Senate.

**BUDGET ISOLATION RESOLUTION**

Senator Bennett requested and received permission to suspend the Rules in order to bring up the following Bill, SB 29, to-wit:

Senator Bennett, B.I.R., SB 29, adopted.

Yeas 27 Nays 3

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Mitchell, Owens, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

Senators:

Amari, Lipscomb, and Parsons

- 3

**BILLS ON THIRD READING****THE BILL:**

**S. 29.** To establish the Alabama legislative compensation commission, its membership, expenses, powers and duties; and to provide that the commission's recommendations to the legislature for expense allowance shall be introduced by the fifth legislative day of the last regular session of the quadrennium.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, SB 29, to-wit:

**SUBSTITUTE FOR SB 29****A BILL  
TO BE ENTITLED  
AN ACT**

To establish the Alabama legislative compensation commission, its membership, expenses, powers and duties; and to provide that the commission's recommendations to the legislature for expense allowance shall be introduced by the fifth legislative day of the last regular session of the quadrennium.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby established the Alabama legislative compensation commission, hereinafter referred to as the "commission." The commission shall be comprised of the chairman of the state personnel board, the president of the league of women voters, the president of the Alabama press association, the president of the state bar association and the chairman of the Alabama ethics commission. The commission shall designate one of its members as chairman.

Section 2. Members shall serve without compensation but shall be reimbursed for actual travel and subsistence expenses, as provided by law for state officials, incurred as a result of their official duties under this act.

Section 3. The legislative reference service, the legislative fiscal office, the clerk of the house and the secretary of the senate shall provide record-keeping functions, clerical assistance and perform other functions as may be needed.

Section 4. The commission shall conduct a study of the rates of compensation for fifty states' legislators, including salary, expense allowances, benefits and mileage allowances and thereafter issue a report of its findings and recommendations prior to the convening of the third regular session of each quadrennium. Such study shall include the cost-of-living changes and other economic factors, regionally, nationally and locally, which may have a direct effect on legislators' expenses. Public hearings and travel for the purposes of its work are authorized.

Section 5. The recommendations of the commission shall be sent to each member of the legislature and the governor on the first day of the regular session of the reporting year and shall be introduced by the fifth legislative day.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 28 Nays 2

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Ellis, Figures, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -28

Nays:

Senators: Hilliard and Lipscomb

- 2

Senator Corbett offered the following substitute for the Bill, SB 29, as amended, to-wit:

**SUBSTITUTE FOR SB 29, AS AMENDED**

**A BILL  
TO BE ENTITLED  
AN ACT**

To establish the Alabama legislative compensation commission, its membership, expenses, powers and duties; and to provide that the commission's recommendations to the legislature for expense allowance shall be introduced by the fifth legislative day of the third regular session of the quadrennium.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. There is hereby established the Alabama legislative compensation commission, hereinafter referred to as the "commission." The commission shall be comprised of the chairman of the state personnel board, the president of the state bar association and the chairman of the Alabama ethics commission. The commission shall designate one of its members as chairman.

Section 2. Members shall serve without compensation but shall be reimbursed for actual travel and subsistence expenses, as provided by law for state officials, incurred as a result of their official duties under this act.

Section 3. The legislative reference service, the legislative fiscal office, the clerk of the house and the secretary of the senate shall provide record-keeping functions, clerical assistance and perform other functions as may be needed.

Section 4. The commission shall conduct a study of the rates of compensation for fifty states' legislators, including salary, expense allowances, benefits and mileage allowances and thereafter issue a report of its findings and recommendations prior to the convening of the third regular session of each quadrennium. Such study shall include the cost-of-living changes and other economic factors, regionally, nationally and locally, which may have a direct effect on legislators' expenses. Public hearings and travel for the purposes of its work are authorized.

Section 5. The recommendations of the commission shall be sent to each member of the legislature and the governor on the first day of the regular session of the reporting year and shall be introduced by the third legislative day.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22 Nays 3

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Corbett, deGraffenried, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -22

Nays:

Senators:

Ellis, Lipscomb, and Preuitt

- 3

Senator Little offered the following amendment to the Bill, SB 29, as amended, to-wit:

**AMENDMENT TO SB 29, AS AMENDED**

Amend Senate Bill No. 29, as amended, Page 2 Line 1, as follows:

Delete the period "." after the word commission and add the following:

, the Chairman of the Board of the Alabama Public Affairs Research Council, and the Chairman of the Alabama Commission on Higher Education.

Which was adopted.

Yeas 21 Nays 3

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Ellis, Floyd, Ghee, Hale, Horn, Langford, Little, Mitchell, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -21

Nays:

Senators:

Foshee, Preuitt, and Windom

- 3

Senator deGraffenried offered the following amendment to the Bill, SB 29, as amended, to-wit:

#### AMENDMENT TO SB 29, AS AMENDED

Amend Senate Bill No. 29, as amended, Page 2 Line 26, as follows:

After the "period" insert the following language: "unless the recommendations of the commission are adopted by a majority vote of both houses of the legislature during the regular session of the reporting year, then and in such an event, the compensation of the legislature for the next quadrennium shall remain in the same amount as the compensation had been during the quadrennium of the reporting period.

Which was adopted.

Yeas 17 Nays 3

Yeas:

Senators:

Bailey, Barron, deGraffenried, Denton, Ellis, Figures, Floyd, Ghee, Hale, Langford, Little, Mitchell, Owens, Preuitt, Smith (B), Waggoner, and Windom -17

Nays:

Senators:

Bedsole, Sanders, and Smith (J)

- 3



Senator Smith (J) offered the following amendment to the Bill SB 29, as amended, to-wit:

**AMENDMENT TO SB 29, AS AMENDED**

Amend Senate Bill No. 29, as amended, Page 2 Line 22, as follows:

Strike section 5 and substitute the following new section 5 as follows:

Section 5. The recommendations of the commission shall be sent to each member of the legislature and the Governor on the first day of the fourth regular session of each quadrennium and shall be introduced by the fifth legislative day. The report of the commission will become effective and will establish the expense allowance for the legislature on the first day of the following quadrennium.

Which was adopted.

Yeas 14 Nays 10

Yeas:

Senators:

Barron, Bedsole, Bennett, Corbett, Denton, Ellis, Ghee, Horn, Mitchell, Preuitt, Sanders, Smith (B), Smith (J), and Wilson -14

Nays:

Senators:

Bailey, deGraffenried, Floyd, Hale, Langford, Little, Owens, Parsons, Waggoner, and Windom -10

And said Bill, SB 29, as thus amended by the Corbett substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24 Nays 4

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Corbett, Denton, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Wilson -24

Nays:

Senators:

Bailey, deGraffenried, Owens, and Windom - 4

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 7. PROVIDING FURTHER FOR EXPENSE ALLOWANCES AND PER DIEM.**

GREG PAPPAS,  
Assistant Clerk.

**SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**MOTION IN WRITING**

Senator Foshee requested and received permission to suspend the Rules to offer the following Motion in Writing, to-wit:

**MOTION IN WRITING**

Notice having been given on the previous Legislative Day, motion is hereby made to amend the Senate Rule 24 by adding Section (b) as follows:

**RULE 24. (a)** Every bill on first reading shall be referred to a standing committee, and shall be read a second time when returned from the committee on any subsequent day.

**(b)** Any bill introduced with Notice and Proof that affects more than one county whether directly or indirectly shall be considered in all aspects as a general bill and shall be assigned to a committee dealing with the subject matter therein.

Which was read and referred to the Standing Committee on Rules.

**REPORT FILED**

By request of the members of the Joint Fiscal Committee, the

Legislative Council, and the Joint Continuing Committee to Study the Tax Structure of the State, the final report of the 1991-92 Legislative Budget Hearings was filed with the Secretary.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Laird and Haynes:

**HJR 107. COMMENDING SOUTHERN UNION STATE JUNIOR COLLEGE, WADLEY, ALABAMA, ON RECOGNITION BY THE NATIONAL COUNCIL FOR MARKETING AND PUBLIC RELATIONS.**

Also:

By Reps. Laird and Haynes:

**HJR 108. RECOGNIZING THE ACCOMPLISHMENTS OF THE TALLADEGA CLAY RANDOLPH COOSA CHILD CARE CORPORATION.**

Also:

By Reps. Clark (W) and Kennedy:

**HJR 109. CONGRATULATING MRS. MINNIE TURNBO OF WHISTLER, ALABAMA, ON THE OCCASION OF HER 110TH BIRTHDAY.**

Also:

By Rep. Curry:

**HJR 116. COMMENDING SHELLIE PHILLIPS OF BESSEMER, ALABAMA, A DISTINGUISHED PATRIOT AND VETERAN OF WORLD WAR I.**

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

On motion of Senator Figures, the Rules were suspended and the Resolutions, HJR's 107, 108, 109, and 116, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Layson:

**HJR 99. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE FOR THE PROMOTION OF THE TENNESSEE-TOMBIGBEE WATERWAY.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the Tennessee-Tombigbee Waterway. The committee shall be composed of four members of each house, to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the development and promotion of the Tennessee-Tombigbee Waterway.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$4,000.00, each year. The committee shall terminate on the final day of the 1994 Regular Session.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Wilson, the Rules were suspended and the Resolution, HJR 99, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Smith (C):

**HJR 104. COMMENDING JULIE MOON OWENS OF CENTREVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT AND LEADERSHIP.**

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Little, the Rules were suspended and the Resolution, HJR 104, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**RESOLUTIONS**

Senator Little requested and received permission to suspend the Rules to offer the following Senate Resolution, to-wit:

**SR 68. COMMENDING T. C. BRITTON, JR., FOR DISTINGUISHED SERVICE TO THE STUDENTS AND SCHOOLS OF LEE COUNTY, ALABAMA.**

Which was filed.

The Standing Committee on Rules offered the following Resolution, to-wit:

**SR 69. SPECIAL ORDER CALENDAR.**

**RESOLVED BY THE SENATE** That the following bills in the

order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the seventh legislative day of the 1991 Regular Session only:

Inst Id	Page
<b>S. 81</b> Brandy, exempt from cert. labeling requirements, Secs. 28-3-1, 28-3-187.1 am'd.	26
<b>S. 151</b> Legal holidays, observance of alt., Sec. 1-3-8 am'd.	21
<b>S. 111</b> Home builders, licensure and regulation	24
<b>S. 1</b> Hunting by nonresidents without licenses, penalty incr., Sec. 9-11-51 am'd.	5
<b>S. 14</b> Checkoff on st. income and franchise tax returns for indigent offender alcohol and drug treatment trust fund	13
<b>S. 137</b> Acts of Alabama, 1989 Sp. Sess. and 1990 Reg. Sess., codified	30
<b>S. 43</b> Regional reciprocal banking, acquisition of Al. bank holding company or an Al. bank by a regional bank holding company, Sec. 5-13A-3 am'd.	3
<b>S. 28</b> Hospices, licensing of, Secs. 22-21-20, 22-21-27 am'd	31
<b>S. 58</b> Respiratory Care Act estab., bd., license, fees	32
<b>S. 40</b> Municipalities and cos., auth. to assist each other and other cos. and muns. in disasters	4
<b>S. 193</b> University football coaches, auth. to participate in American Football Coaches Retirement Trust	14

**REGULAR SESSION  
7th Day**

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<b>S. 303</b>	12
Mutual aid associations, reserve liabilities for policies alt., Sec. 27-30-34 am'd.	
<b>S. 48</b>	28
Bar exam, cert. law school graduates, auth. to take, Sec. 34-3-2.1 am'd.	
<b>S. 96</b>	29
Rental-purchase agreements, exempt from UCC security interest definition, Secs. 7-1-201, 8-25-1, 8-25-3 am'd.	
<b>S. 51</b>	13
Institute for Deaf and Blind, surplus prop. auth. to be traded in on replacement prop. without public bid	
<b>S. 52</b>	14
Institute for Deaf and Blind, bd. of trustees, auth. to be reimbursed for expenses, no comp., Sec. 21-1-2 am'd.	
<b>S. 90</b>	24
Child labor laws, revised, business reg. for health, safety and welfare of minors, Secs. 25-8-1 through 25-8-31 repealed	
<b>H. 145</b>	11
Fiduciary accounts, investment of by banks and trust companies, alt.	
<b>S. 208</b>	15
State fiscal yr. alt., implementation period, approps. prorated during implementation period, Sec. 1-3-4 am'd.	
<b>S. 284</b>	42
Law enforcement officers, ambulance attendants, wastewater operators, training costs reimbursed where one governmental entity hires employees of another, Sec. 36-21-7 am'd.	
<b>S. 117</b>	4
Municipalities, auth. to collect utility bill payments	
<b>S. 76</b>	28
Law enforcement officers, subsistence allow. to incl. corrections officers, Sec. 36-21-2 am'd.	

- S. 318** 21  
Probate judges, certain retirees, authorized to participate in state employees' health insurance plan
- S. 287** 46  
Alabama Juvenile Justice Act, "delinquent act" defined, transfer of cert. cases to juvenile ct. and for child to withdraw from school, Secs. 12-15-1, 12-15-33, 12-15-65 am'd.

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

**SJR 55**

**SJR 57**

Delivered to the Governor, May 7, 1991, at 2:40 P.M.

**McDOWELL LEE,**  
Secretary of Senate.

### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### ADJOURNMENT

At 4:55 P.M., on motion of Senator Corbett, in accordance with Motion heretofore adopted and pending further consideration of the Bill, SB 82, the Senate adjourned until Thursday, May 9, 1991, at 11 o'clock A.M.



## **EIGHTH LEGISLATIVE DAY**

**THURSDAY, MAY 9, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Edward Creel, Pastor, Centreville Baptist Church, Centreville, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Joe Spooney, Bellingrath Junior High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Preuit, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senator Dixon for today.

**MOTION TO ADJOURN**

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, May 14, 1991, at 2 o'clock P.M., which motion was adopted.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Windom:

**S. 435.** To make an appropriation from the Special Educational Trust Fund to the Marine Environmental Sciences Consortium for the fiscal year ending September 30, 1992.

Committee on Finance  
and Taxation

By Senators Campbell, Bennett, Foshee, Bailey, and Wilson:

**S. 436.** To require the reasonable posting of personnel vacancy notices by certain political subdivisions of the state before such personnel positions are to be filled.

Committee on Governmental  
Affairs/Local Government

By Senator Corbett:

**S. 437.** To authorize certain employers to purchase workers'

compensation insurance with a deductible provision.

Committee on Economic Affairs

By Senator Foshee:

**S. 438.** To amend section 34-27-35 of the Code of Alabama 1975, which related to real estate salesmen and brokers' licenses so as to provide that the requirements for continuing education shall not apply to members of the Alabama Legislature.

Committee on Economic Affairs

By Senator Waggoner:

**S. 439.** To provide civil immunity for persons acting in good faith in their performance of their duties for regional health programs and facilities.

Committee on Public Welfare

By Senator Wilson:

**S. 440.** To amend Section 2-6A-1, Code of Alabama 1975, relating to the Farm Crisis and Transition Program, so as to abolish the existing program; to repeal Sections 2-6A-2, 2-6A-3, 2-6A-4, 2-6A-5 and 2-6A-6, Code of Alabama 1975; to provide for the transfer of all personnel, equipment and files from the Farm Crisis and Transition Commission into the Department of Agriculture and Industries; and to allow the Commissioner of Agriculture and Industries to establish a new program and to accept contributions from any public or private source.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Bedsole:

**S. 441.** To amend Section 9-11-84, Code of Alabama 1975, relating to the sale or transportation of certain game fish, so as to include certain hybrids of certain species, to provide for certain exceptions and to provide further for the promulgation of rules and regulations.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Langford:

**S. 442.** To provide for indemnity from liability for probate judges, tax assessors, tax collectors, revenue commissioners and license commissioners resulting from monetary loss as a consequence of good faith errors or honest mistakes made in the performance of their duties, provided that the state auditor or examiners of public accounts certifies that such errors or mistakes were made in good faith, and provided that the indemnity shall not exceed the sum of Five Thousand Dollars (\$5,000) per annum.

Committee on Governmental  
Affairs/State Administration

By Senator Wilson:

**S. 443.** To provide further for juvenile court jurisdiction; to provide for courts exercising juvenile jurisdiction in dependency cases and remedies including: the option of entering an order of protection or restraint after notice and hearing, or on an emergency basis without notice, to protect the health or safety of a child through issuance of an order to require persons: to stay away from the home, the child or the family; to vacate the home; to limit visitation rights; to deny access to the home; to refrain from the commission of certain acts; to cooperate with counseling, treatment, or service plans; to obtain and participate in counseling; to restrain abusive, disruptive or harassing behavior; to limit or restrict contact or communication with the child or family; to pay temporary support or the cost of treatment of the child or family; to provide further for issuance of an emergency order without prior notice and hearing followed by a later court hearing within a specified time; to provide that a protective or restraint order, after notice and hearing, may be modified or terminated; to provide for criminal penalties; to provide that person(s) violating such orders may be held in contempt of court and be ordered to pay court costs and attorney fees for wilful conduct; and to provide that the provisions of this act shall be construed in pari materia with sections 30-5-1 through 30-5-11, Code of Alabama 1975, as amended, which is the "Protection From Abuse Act" and other criminal laws relating to child abuse laws, except to the extent there are no conflicts with this act.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Bedsole:

**S. 444.** Relating to artifacts, treasure troves and objects made or used by man, or fragments thereof, whether or not associated with any shipwreck and which have remained unclaimed for more than fifty years or listed as a state or national landmark, so as to provide that all such artifacts and articles contained in waters or submerged lands of the state shall be declared as "state cultural resources," and as such shall be regulated and protected by the Alabama Historical Commission; to provide definitions; to prohibit the taking, damaging, destruction of, salvaging, excavation of or other alteration of such resources without the prior written consent by contract or permit of the commission; to designate the commission as official custodian of such articles or resources; to authorize the commission to promulgate rules and regulations having the force of law regarding a management plan for said resources; to provide for the process of obtaining a permit or contract for exploration, excavation or observation of such resources; to authorize the commission to restrict commercial fishing in the immediate vicinity of such resources; to authorize the Alabama State Historic Preservation Fund to receive funds from permits, contracts and public sales of seized articles and to limit expenditures from the fund to the implementation of the commission's general cultural resource management plans; to provide for and define criminal penalties for violations of this act, including misdemeanor and felony punishment(s) therefor; to authorize the seizure of boats and instruments used in violation of this act; and to authorize all state and local law enforcement authorities and officers to assist the commission in the enforcement of the provisions of this act.

Committee on Agriculture,  
Conservation, and Forestry

By Senators Ghee, Bedsole, Amari, Bennett, Lipscomb, Little, Smith (J), Windom, Mitchell, Corbett, Preuitt, Wilson, Waggoner, Bailey, Ellis, Hilliard, Smith (B), Sanders, Figures, Horn, Barron, Hale, Bolling, deGraffenried, and Campbell:

**S. 445.** To propose a self-executing amendment to the Constitution of Alabama of 1901, as amended, to provide for the acquisition, maintenance and protection of lands and water areas in this state having unique ecological systems, plant and animal life, geological formations, wildlife habitats, recreational value and scenic beauty; to make certain declarations of purposes and state policies regarding the protection of such lands and waters; to provide definitions of terms; to provide for management of such program and to designate categories of lands and waters to be acquired; to establish the Alabama Forever Wild

Land Trust for such purposes; to provide for the establishment of a board of trustees to govern said trust, its membership, selection process, terms of office and vacancy appointments; to provide for the rights, powers, duties and responsibilities of said board; to provide tax deductions for property donated to the Forever Wild Land Trust; to prohibit condemnation of properties for said trust; to guarantee that the acquisition and conservation of such lands and waters will not impair existing property rights or interfere with the legitimate needs of utilities and other business organizations having the power to condemn property for public use and necessity; to provide for funding of said trust from percentages of interest income earned from investment of funds in the Alabama Trust Fund; to provide for a stewardship program for the maintenance of properties acquired by the Forever Wild Land Trust; to provide for conservation restrictions and easements to further the program established by this Amendment; to provide for an Alabama Natural Heritage Program; to provide for the dedication of natural area preserves; and to provide that after the state's 2010-2011 fiscal year, revenues directed to said Forever Wild Land Trust shall be paid to the general fund of the State of Alabama, with the exception of 2.5% of such revenues needed to continue funding of the stewardship program.

Committee on Constitution  
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Waggoner:

**S. 446.** To amend Section 40-3-26, Code of Alabama 1975, relating to county boards of equalization to provide that county attorneys shall represent the county in appeals to circuit court.

Committee on Governmental  
Affairs/Local Government

By Senator Amari (With Notice and Proof):

**S. 447.** Relating to Jefferson County; to amend Act No. 993, H. 1089, 1971 Regular Session, as amended, so as to provide for the

appointment by the county commission of three (3) directors for the county transit authority and to provide for the initial terms of office of the new directors.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 447, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Lindsey (With Notice and Proof):

**S. 448.** Relating to Monroe County, providing further for the compensation of the sheriff.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 448, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Amari:

**S. 449.** To provide a privilege against divulgence of communications between a person and religious authorities in situations relating to matrimonial rights or status.

Committee on Judiciary/Civil

By Senators Foshee, Waggoner, Amari, and Horn:

**S. 450.** To require certain persons or entities to obtain a certification from the State Department of Insurance before conducting utilization reviews; to define certain terms; to establish certain applications, procedures and standards for administrative review; to provide for appeal of certain final decisions of the State Department of Insurance; to authorize the assessment of certain application and renewal fees; to authorize the adoption of regulations; to authorize the revocation of certificate under certain circumstances; to provide for certain

criminal penalties for violations of this act; to provide for the resolution of certain disputes involving the medical necessity of claims to be resolved in a certain manner; and to require physician involvement in utilization review.

Committee on Banking  
and Insurance

By Senator Bailey:

**S. 451.** To require certain minimum deposits into an irrevocable trust fund of proceeds of sales of interment spaces in an endowment or perpetual care cemetery; to require a minimum deposit into an irrevocable trust fund by any person establishing endowment or perpetual care cemeteries after the effective date of this act, or by any person operating endowment or perpetual care cemeteries on the effective date of this act; to provide for the supervision and control of such trust funds; to provide for the penalties for violation; for enforcement and supervision by the district attorneys of the several judicial circuits; and for related purposes.

Committee on Small Business

By Senator Bailey:

**S. 452.** To authorize the commissioner of conservation and natural resources to enter into agreements of reciprocity with conservation commissioners and other proper officials of other states permitting hunting and fishing by persons over 65 years of age without said persons having to procure a license.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Bailey:

**S. 453.** To provide that any class 5 municipality in the State of Alabama shall have authority to adopt an ordinance creating a housing code abatement board with authority, after notice to remedy or demolish is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are ultimately found by the governing body of such city, pursuant to its police power, to be unsafe to the extent of being a public nuisance from any cause; to provide for a hearing by the governing body if requested;



to authorize that the cost of such demolition and removal shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Committee on Governmental  
Affairs/State Administration

By Senator Wilson:

**S. 454.** To amend section 12-17-184 of the Code of Alabama 1975, by deleting the requirement that district attorneys represent the board of registrars of the county or counties comprising their judicial circuits in all civil actions for damages.

Committee on Judiciary/Civil

By Senator Sanders (With Notice and Proof):

**S. 455.** Relating to Lowndes County; providing further for the compensation of the county coroner and repealing Act No. 620, H. 795, 1967 Regular Session, as amended, and Act No. 515, H. 1135, 1965 Regular Session, as amended.

Committee on Local  
Legislation No. 1

I hereby Certify that the notice and proof is attached to the Bill, SB 455, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Corbett:

**S. 456.** To amend Section 11-43-143, Code of Alabama 1975, which relates to the right of firefighters to become members of labor organizations, so as to provide further for the submission to governing bodies of proposals relative to salaries.

Committee on Economic Affairs

By Senator Sanders (With Notice and Proof):

**S. 457.** Relating to Lowndes County; authorizing the county commission to levy additional sales and use taxes paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62 and 40-23-63 of the Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; and prescribing penalties and fixing punishment for violation of this act.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 457, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Lindsey:

**S. 458.** To amend Sections 16-47-124 and 16-47-125, Code of Alabama 1975, relating to medical scholarship awards; to provide for rural incentive loans for medical students willing to provide medical care in the underserved rural areas of the state; and to authorize the Board of Medical Scholarship Awards to establish the criteria of eligibility.

Committee on Health

By Senators Bennett and Ellis, Waggoner, Dial, Corbett, Ghee, Hale, deGraffenried, Floyd, Lindsey, Windom, Bedsole, Lipscomb, Foshee, Owens, Bolling, Campbell, Wilson, Horn, Amari, Langford, Little, Mitchell, Bailey, and Barron:

**S. 459.** Relating to public education in Alabama; to provide for the "Alabama Education Reform Act of 1991"; to establish goals for the improvement of public education in the State of Alabama and to assign certain mandates to the state board of education; to make legislative statements as to intent; to direct the state board of education (the board) to develop standards for a high school graduate and to establish a basic core curriculum for all students with a renewed emphasis on the teaching of English, social studies, mathematics, science and technology skills; to provide for an expanded supplemental curriculum; to eliminate the social promotion of students thus strengthening the promotion and

retention standards required of all local school systems; to provide for the assessment of student performance; to provide for the adoption of a performance-based system of school accreditation; to strengthen the role of the state superintendent of education (the superintendent) in the determination and assistance offered to schools that are deemed to be academically and/or financially bankrupt; to require the strengthening of the Alabama high school graduation exam and maximize the use of technology for students; to expand educational choices for parents and students; to require the board to develop a pilot program for students at-risk and implement plans to reduce the dropout rate; to meet the national goals in early childhood development and require the development of an incentive program for innovation in schools; to provide for safe and drug-free schools along with mandatory and enforceable attendance policies; to establish a standards on excellence commission and authorize the voluntary development of year-round schools; to provide for the restructuring and financial tracking of local schools; to establish priorities for meeting the national goal in adult literacy; to establish goals for the lengthening of the school year and employees' salaries; to create a professional teachers standards commission to select or develop an entry level test for teachers and review standards for the teaching profession; to strengthen teacher preparation programs and expand alternative certification for teachers; to establish teacher/mentor programs for first year teachers and expand the mission of the Alabama regional in-service centers; to strengthen the evaluation plan and professional development for administrators and supervisory personnel; to change the fiscal year beginning July 1, 1995; to further require that all matters relating to curriculum be adopted by the board and to repeal existing laws.

Committee on Education

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

**H. 374.** To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every provider of pharmaceutical services, except hospital inpatient pharmacies or pharmacies owned or operated by the state of Alabama or an agency thereof; to provide for collection of such tax and penalties; to

provide for appropriations of such funds and their use by the Alabama medicaid agency; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to require the timely payment by the Alabama medicaid agency of reimbursement due pharmaceutical providers; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 374 - to the Committee on Finance and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 377.** To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every disproportionate share hospital in the state; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to provide for reimbursement of certain costs incurred by disproportionate share hospitals; to require the timely payment by the Alabama medicaid agency of disproportionate share payments due hospitals; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize

the department of revenue to adopt regulations as necessary to administer collection of the tax.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 377 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 375.** To provide for the creation of the Alabama Health Care Trust Fund in the state treasury; to appropriate monies in the fund to the Alabama medicaid agency; to provide that monies in the fund shall not revert to the general fund but shall be carried forward into each succeeding fiscal year; and to limit the reduction of appropriations to the medicaid agency from the general fund.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 375 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 376.** To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every nursing facility which has an agreement to participate in the Alabama medicaid program; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to require the timely payment by the Alabama medicaid agency of reimbursement due nursing facilities; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 376 - to the Committee on Finance and Taxation

### MOTIONS IN WRITING

Senator Denton requested and received permission to suspend the Rules to offer the following Motions in Writing, to-wit:

I move that the Bill, SB 142, on page 62 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, SB 281, on page 44 of the Eighth Day

Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, SB's 142 and 281, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 29. To establish the Alabama legislative compensation commission, its membership, expenses, powers and duties; and to provide that the commission's recommendations to the legislature for expense allowance shall be introduced by the fifth legislative day of the third regular session of the quadrennium.

JIM PREUITT,  
Chairperson.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 107. COMMENDING SOUTHERN UNION STATE JUNIOR COLLEGE, WADLEY, ALABAMA, ON RECOGNITION BY THE NATIONAL COUNCIL FOR MARKETING AND PUBLIC RELATIONS.**

Also:

**HJR 108. RECOGNIZING THE ACCOMPLISHMENTS OF THE TALLADEGA CLAY RANDOLPH COOSA CHILD CARE CORPORATION.**

Also:

**HJR 109. CONGRATULATING MRS. MINNIE TURNBO OF**

WHISTLER, ALABAMA, ON THE OCCASION OF HER 110TH BIRTHDAY.

Also:

**HJR 116.** COMMENDING SHELLIE PHILLIPS OF BESSEMER, ALABAMA, A DISTINGUISHED PATRIOT AND VETERAN OF WORLD WAR I.

GREG PAPPAS,  
Assistant Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 99.** CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE FOR THE PROMOTION OF THE TENNESSEE-TOMBIGBEE WATERWAY.

Also:

**HJR 104.** COMMENDING JULIE MOON OWENS OF CENTREVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT AND LEADERSHIP.

GREG PAPPAS,  
Assistant Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds



vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. McClain, Curry, and Petelos:

**HJR 143. COMMENDING DENNIS P. OWENS OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.**

Also:

By Reps. McClain, Curry, and Petelos:

**HJR 144. COMMENDING WALTER WILLIAMS OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.**

Also:

By Reps. McClain and Curry:

**HJR 145. COMMENDING WILLIE COLEMAN OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.**

Also:

By Rep. Carter:

**HJR 147. COMMENDING HELEN CARTER, ATHENS-LIMESTONE COUNTY CHAMBER OF COMMERCE CITIZEN OF THE YEAR.**

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

On motion of Senator Bennett, the Rules were suspended and the

Resolutions, HJR's 143, 144, 145, and 147, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### RESOLUTION

Senators Dial and Barron requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 70. NAMING THE BRIDGE ON HIGHWAY 411, AT LEESBURG, IN CHEROKEE COUNTY, ALABAMA, IN HONOR OF THE LATE FRED E. REYNOLDS OF LEESBURG, ALABAMA.**

WHEREAS, the late Fred E. Reynolds of Leesburg, Alabama, died in August 1990, and was a native of Leesburg in Cherokee County, Alabama, born September 5, 1911; and

WHEREAS, Mr. Reynolds attended Gaston High School and began his first job with the State of Alabama as a water boy for the construction of Highway 411 near the Cherokee/Etowah County line with the Highway Department, from which he retired, and he also served as chief of police in Leesburg, Alabama, from which he retired at age seventy; and

WHEREAS, in 1942, Mr. Reynolds was drafted into the Army and was awarded the Bronze Star Medal for valorous conduct in action against the enemy on July 4, 1945, as a result of remaining in an exposed position to keep in operation four 50-caliber machine guns, disregarding heavy sniper and machine gun fire directed at his prominent figure; and

WHEREAS, in Germany, he was wounded by shrapnel while under a German air attack, for which he received the Purple Heart; and

WHEREAS, he was a man of integrity and dignity, loyal to his friends, devoted to his family and dedicated in his sense of duty and responsibility to his church and state, and it is entirely fitting and proper that his memory be forever perpetuated in an appropriate and lasting manner; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That in honor and memory of Fred E. Reynolds of Leesburg, Alabama, we hereby name and designate the bridge on Highway 411, at Leesburg in Cherokee County, Alabama, as the "Fred E. Reynolds Bridge."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating the "Fred E. Reynolds Bridge."

RESOLVED FURTHER, That the family of the late Fred E. Reynolds shall be provided with a copy of this commemorative designation of the Alabama Legislature.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

### MOTIONS IN WRITING

Senator Corbett requested and received permission to suspend the Rules to offer the following Motions in Writing, to-wit:

I move that the Bill, SB 7, on page 17 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, SB 9, on page 53 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, SB's 7 and 9, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Foshee requested and received permission to suspend the Rules to offer the following Motion in Writing, to-wit:

I move that the Bill, SB 303, on page 11 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, SB 303, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### RESOLUTION

Senators Bolling, Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures,

Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 71. MOURNING THE DEATH OF ROY LEE MULLINS OF RUSSELLVILLE, ALABAMA.**

WHEREAS, a source of deep and abiding sorrow to the Legislature, the citizens of Alabama and Mississippi, and the nation is the lamentable and untimely death of Roy Lee "Chucky" Mullins of Russellville, Alabama, on May 6, 1991, at the age of just 21 years; and

WHEREAS, a former football star at Russellville High School and defensive back at the University of Mississippi, Chucky Mullins was paralyzed from the neck down, following injuries suffered in the Ole Miss-Vanderbilt game on October 28, 1989; and

WHEREAS, following 114 days in intensive care, further long-term hospitalization, and rehabilitation therapy in Birmingham, Chucky Mullins had returned to the University of Mississippi when complications from his injuries led to his death, thereby ending his resolve to complete his education and to pursue a career in coaching; and

WHEREAS, Chucky Mullins was indeed an outstanding athlete and a young man of great strength, courage and determination who was an inspiration to all those whose lives he touched; and

WHEREAS, despite many personal adversities over the years, Chucky Mullins' outlook on life remained positive and his optimism, even in the face of affliction, was absorbed by those around him; and

WHEREAS, Roy Lee "Chucky" Mullins was a very special young man, and his death has left a deep void in the life of the community, and in the hearts of all those privileged to his friendship, love and sincere concern for their happiness and well-being; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grievously saddened by the death of Roy Lee "Chucky" Mullins of Russellville, Alabama, and extend deepest sympathy to his loving guardians, Carver and Karen Phillips; to their children, Lamar and Keshia; and to his

friends and classmates at Russellville High School and the University of Mississippi, whose sorrow we share and, for whom, copies of this resolution shall be provided.

On motion of Senator Bolling, the Rules were suspended and the Resolution was adopted by the Senate.

### **MOTION IN WRITING**

Senator Bailey requested and received permission to suspend the Rules to offer the following Motion in Writing, to-wit:

I move that the Bill, SB 2, on page 61 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, SB 2, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McKee:

**HJR 156. COMMENDING SARA DAVENPORT OF MONTGOMERY FOR OUTSTANDING SERVICE TO THE ALABAMA TEXTILE MANUFACTURERS ASSOCIATION.**

GREG PAPPAS,  
Assistant Clerk.

### **HOUSE MESSAGE**

On motion of Senator Langford, the Rules were suspended and the Resolution, HJR 156, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### **MOTION IN WRITING**

Senator Little requested and received permission to suspend the

Rules to offer the following Motion in Writing, to-wit:

I move that the Bill, SB 117, on page 4 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, SB 117, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### RESOLUTIONS

Senator Amari requested and received permission to suspend the Rules to offer the following Senate Resolution, to-wit:

**SR 72. CONGRATULATING THE BIRMINGHAM NORTH-EAST Y.M.C.A. CELTICS, 12-YEAR-OLD Y.M.C.A. STATE BASKETBALL CHAMPIONS.**

Which was filed.

Senator Little requested and received permission to suspend the Rules to offer the following Senate Resolution, to-wit:

**SR 73. COMMENDING BOB MEADOWS OF OPELIKA, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.**

Which was filed.

### MOTIONS IN WRITING

Senator Bedsole requested and received permission to suspend the Rules to offer the following Motions in Writing, to-wit:

I move that the Bill, SB 50, on page 37 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, SB 65, on page 38 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, SB's 50 and 65, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### **BILLS ON THIRD READING**

Senator Lindsey requested and received permission to suspend the Rules in order to bring up the Bill:

**S. 367.** To amend Sections 24-7-2 and 24-7-3 of the Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to provide further for the appointment of members of the Authority and to provide further for the duties and powers of the Authority.

On motion of Senator Lindsey, the Rules were suspended and further consideration of the Bill, SB 367, was postponed subject to the call of the Chair.

### **MOTION IN WRITING**

Senator Hale requested and received permission to suspend the Rules to offer the following Motion in Writing, to-wit:

I move that the Bill, SB 124, on page 47 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, SB 124, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Reps. Sanderson, Barnes, Rogers (J), Gaines, Rogers (F), Carns, Curry, Newton (D), Biddle, Hawkins, Spratt, Petelos, and Morton  
(With Notice and Proof):

**H. 546.** Relating to Jefferson County; to provide for the orderly and efficient collection of municipal business license taxes with respect to corporations, firms, brokers, agents and others engaged in the business

of buying, selling, leasing, renting, managing or representing others in the purchase, sale or lease of real property; and providing for an effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 546, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 546 - to the Committee on Local Legislation No. 2

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Melton (With Notice and Proof):

**H. 524.** Relating to Tuscaloosa County; abolishing the office of constable.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 524, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

Also:



By Reps. Petelos, Curry, and Newton (D) (With Notice and Proof):

**H. 526.** Relating to Jefferson County; to provide that the Jefferson County commission shall have authority to remove or demolish buildings and structures, or parts thereof, when the same are found by the county commission to be unsafe to the extent of being a public nuisance; to provide for a hearing by the county commission if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment to constitute a lien on said property; to provide methods of collecting such assessments; and to authorize the tax collector to collect such assessments.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 526, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

Also:

By Reps. Newton (D), Curry, Petelos, and Barnes (With Notice and Proof):

**H. 560.** To amend chapter 65 of Title 11 applicable to horse racing in Class 1 municipalities so as to authorize the mayor of the host city and the president or otherwise designated presiding officer of the county commission to appoint deputy racing commissioners having the qualifications of persons eligible to serve as appointed members of the commission, to serve at their pleasure as their deputies on the racing commission authorized by such chapter including, but not limited to, the power to vote at any meeting of the commission or any panel thereof in the absence of their respective appointing officer; to authorize the president or otherwise designated presiding officer of the host county commission, as an alternative, to appoint, for a term, another member of the host county commission to serve in the place of the said president or presiding officer of the host county commission during said term; and to specify the appointment and qualification procedures, the compensation of persons so appointed to serve as racing commission members or deputy members and the right of such persons to be reimbursed for expenses.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 560, AS REQUIRED IN THE

## GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.*GREG PAPPAS,*  
*Assistant Clerk.***HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 524 - to the Committee on Local Legislation No. 1

HB's 526 and 560 - to the Committee on Local Legislation No. 2

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**S. 60.** Relating to Limestone County and the regulation and operation of privately-owned or controlled regional landfills for solid waste so as to further provide for such solid waste landfill operation and location within the county; providing that any such regulation and restriction shall be cumulative to any other provisions of law, rule or regulation on solid waste; and requiring the Limestone County Commission to call for a referendum election on the question of location or acceptance of any privately-owned or controlled regional landfill within the county prior to such operation, location or acceptance; and providing severability and effective date.

GREG PAPPAS,  
Assistant Clerk.**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Newton (D), Petelos, Perdue, and Rogers (F) (With Notice and Proof):

**H. 483.** Relating to the City of Birmingham in Jefferson County; to amend sections 3 and 7 of Act No. 105, H. 24, Third Special Session 1971, (Acts 1971, p. 4325), so as to provide further for the process of weed removal from private property by amending the notice requirements and making optional the collection of the special assessment by the county tax collector.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 483, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

Also:

By Reps. Hall and Freeman (With Notice and Proof):

**H. 567.** Relating to Madison County; to provide for the election of the county superintendent of education at the expiration of the present tenure of office; to provide who may participate in said election; to provide for the election procedure; to provide for an interim appointment of the county superintendent of education in certain instances; to provide for the term of office and the method of filling vacancies; to provide for the qualifications and duties of said office and to provide for the compensation paid to the county superintendent of education.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 567, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

Also:

By Reps. Freeman and Hall (With Notice and Proof):

**H. 571.** To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County so as to exclude certain territory from the city.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 571, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

*GREG PAPPAS,*  
*Assistant Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 483 - to the Committee on Local Legislation No. 2

HB's 567 and 571 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McDowell and Sanderson:

**H. 547.** To propose an amendment to the Constitution of 1901, for Jefferson County, pursuant to Amendment No. 425 of the Constitution providing further for license taxes on certain real estate operations and transactions; and to provide for implementation.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 547 - to the Committee on Local Legislation No. 2

(The above Bill was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Richardson (With Notice and Proof):

**H. 139.** Relating to Jackson County; providing further for the fees for the issuance of pistol permits; providing for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund; and repealing Act No. 211, H. 854, 1971 Regular Session, (Acts 1971, p. 507).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 139, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

*GREG PAPPAS,*  
*Assistant Clerk.*

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 139 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Curry and Petelos (With Notice and Proof):

**H. 407.** Relating to Jefferson County; amending Act No. 970,

S. 378, 1961 Regular Session, as amended, which provides for the issuance of motor vehicle license plates by mail, so as to increase the fee for such issuance in counties having a population of 600,000 or more according to the last or any subsequent federal census.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 407, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

Also:

By Rep. Melton (With Notice and Proof):

**H. 454.** Relating to the office of chief deputy sheriff in Tuscaloosa County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; and to authorize the sheriff of Tuscaloosa County to appoint the chief deputy sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 454, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 407 - to the Committee on Local Legislation No. 2

HB 454 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills

and ordered same sent forthwith to the Senate without engrossment:

By Rep. Carter:

**H. 11.** Relating to Athens State College; to repeal Act No. 81-153, S. 392, Regular Session, 1981 (Acts 1981, p. 176), which consolidated the administration of Athens State College and John C. Calhoun Community College; to re-establish two autonomous administrations; and to provide for the appointment of presidents of the colleges, the jurisdictions and operations.

Also:

By Reps. Hooper, Clark (J), Freeman, Campbell, Flowers, Parker (T), Cosby, Williams, Higginbotham, Gaines, Curry, Hawkins, Petelos, Newton (D), Sanderson, Gaston, Kvalheim, McMillan, and Clay:

**H. 367.** To authorize the State Industrial Development Authority to sell and issue, from time to time, up to \$100,000,000 in principal amount of its bonds in addition to those heretofore authorized to be issued by it, provided not more than \$10,000,000 in aggregate amount shall be issued in any two-year period and not more than \$40,000,000 in aggregate principal amount shall be outstanding at any one time; to expand certain powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to certain grantees, subject to certain limitations, for the purpose of paying costs of preparation of sites for use by certain enterprises; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable

solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Also:

By Rep. Dolbare:

**H. 466.** To amend Sections 24-7-2 and 24-7-3 of the Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to provide further for the appointment of members of the Authority and to provide further for the duties and powers of the Authority.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 11 - to the Committee on Education

HB 367 - to the Committee on Industrial Development and Expansion

HB 466 - to the Committee on Economic Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Ford (With Notice and Proof):

**H. 116.** Relating to Etowah County; authorizing the Etowah County Commission to levy a user fee on the issuance of all motor vehicle license tags for passenger automobiles and trucks of any nature in addition to any and all other charges, costs, taxes or fees levied thereon; and providing for the payment, collection and distribution of the net revenues from such user fees.



I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 116, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

Also:

By Rep. Holladay (With Notice and Proof):

**H. 312.** Relating to St. Clair County; to provide for the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational or other lawful purposes; to provide for permits or licenses, applications, forms and contents to operate bingo; to provide for special permits or licenses; to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama of 1901 authorizing bingo in St. Clair County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 312, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

*GREG PAPPAS,*  
*Assistant Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 116 and 312 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Ford:

**H. 130.** Proposing an amendment to the Constitution of Alabama of 1901, providing for the election of the members of the board of education in the City of Attalla, Alabama.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 130 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kennedy, Buskey (JE), Clark (W), and Zoghby (With Notice and Proof):

**H. 169.** Relating to the City of Mobile, to amend Act Number 31 of the Alabama Legislature, Second Special Session 1975, adopted March 10, 1975, and any amendments thereto, which relates to the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an authority as a public corporation for the purpose of providing public transportation service in such county and the compensation of directors of any such authority.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 169, AS REQUIRED IN THE

GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Harvey (With Notice and Proof):

**H. 200.** Relating to Blount County; reimbursing said county for lost revenues on property purchased by another county's municipal or county entity.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 200, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Harvey (With Notice and Proof):

**H. 201.** Relating to Blount County; prohibiting the Birmingham Water Works Board from denying Blount County residents access to facilities built by said board for recreational purposes in Blount County and providing for Blount County to retain all rights for future water supplies from lakes in said county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 201, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,  
Clerk.

*JOHN W. PEMBERTON,*  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 169 - to the Committee on Local Legislation No. 3

HB 200 - to the Committee on Finance and Taxation

HB 201 - to the Committee on Commerce, Transportation, and  
Utilities

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Newton (C) (With Notice and Proof):

**H. 465.** Relating to the Town of Rutledge in Crenshaw County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing method of voting for council members; providing for the elimination of runoff elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 465, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 465 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Holladay:

**H. 311.** To propose an amendment to the Constitution of Alabama of 1901; to authorize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in St. Clair County and to levy a fee on each bingo card sold and to provide for the distribution of the proceeds of said fee.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 311 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Flowers (With Notice and Proof):

**H. 417.** Relating to Pike County, to repeal Act 85-609, H. 1006 of the 1985 Regular Session (Acts of 1985, p. 935), which provided an expense allowance for members of the Pike County Commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 417, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

*GREG PAPPAS,*  
*Assistant Clerk.*

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 417 - to the Committee on Local Legislation No. 1**

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Ford (With Notice and Proof):

**H. 114.** Providing for a board of education for the City of Attalla, Alabama, to be elected by the qualified electors of said city; providing that the members of such board shall be elected from defined school districts; providing for the terms of office, qualifications and compensation of such members; prescribing procedures for electing such members and for filling vacancies on such board; providing for board representation for persons not residing within a specific school district; providing certain immunity for such board members; providing for financial audits of the records of such board; and providing that this act shall become effective only upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected school board for the City of Attalla.

**I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 114, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.**

**GREG PAPPAS,**  
Assistant Clerk.

*GREG PAPPAS,*  
*Assistant Clerk.*

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 114 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Millican (With Notice and Proof):

**H. 446.** Relating to Marion County; to provide further for expense allowances for the chairman and associate commissioners of the county commission; and to provide for retroactive effect.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 446, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

*GREG PAPPAS,*  
*Assistant Clerk.*

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 446 - to the Committee on Local Legislation No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Beasley:

**H. 294.** To amend Sections 13A-9-13.1, 13A-9-13.2, 8-8-15 and 12-17-224, Code of Alabama 1975, which relate to restitution for the negotiation of a worthless check or other negotiable instrument; so as

to increase the service charge on such worthless checks or instruments.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 294 - to the Committee on Small Business

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White:

**H. 63.** Proposing a constitutional amendment to the Constitution of Alabama of 1901, relating to the distribution of oil and gas severance tax revenues in Escambia County, pursuant to Amendment 425 to the Constitution of Alabama of 1901.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 63 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills



and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carns and Sanderson (With Notice and Proof):

**H. 349.** To authorize the county commission of Jefferson County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of Education of the City of Mountain Brook, the special ad valorem tax for public school purposes which is authorized in Amendment No. 316 to the Constitution, to a maximum rate, for any tax year of the county, which is equal to \$1.85 on each one hundred dollars (18.5 mills on each dollar) of assessed value.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 349, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. White (With Notice and Proof):

**H. 384.** Relating to Escambia County; authorizing the county commission to levy an additional or ad valorem tax to be used for educational purposes and providing for a referendum for approval of the tax by the qualified electors of the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 384, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Newton (C) (With Notice and Proof):

**H. 393.** To alter, rearrange and extend the boundary lines and corporate limits of the Town of Glenwood in Crenshaw County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 393, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Zoghby, Rockhold, Gaston, Buskey (JE), Turner, Clark (W),  
and Harper (With Notice and Proof):

**H. 409.** Relating to Mobile County; to amend Sections 1 through 9 of Act No. 974, S. 384, Regular Session 1961 (Acts 1961, p. 1550 et seq.); to confer on the Probate Courts of the county general and equity jurisdiction over certain estates concurrent with that of the Circuit Courts; to provide for the powers and authority of the Probate Judges and Chief Clerks of such Probate Courts; and to provide for the pleading and procedure in such estates, the enforcement of orders, judgments and decrees and appeals of same.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 409, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,  
Clerk.

*JOHN W. PEMBERTON,*  
*Clerk.*

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 349 - to the Committee on Local Legislation No. 2

HB's 384 and 393 - to the Committee on Local Legislation No. 1

HB 409 - to the Committee on Local Legislation No. 3

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 59. REQUESTING THE FINANCE DEPARTMENT TO REPLACE THE ELEVATORS LOCATED IN THE EAST WING OF THE ALABAMA STATE HOUSE.**

Also:

**SJR 61. COMMENDING HENRY EUGENE ERWIN OF LEEDS, ALABAMA, RECIPIENT OF THE MEDAL OF HONOR.**

Also:

**SJR 62. COMMENDING SHELLIE PHILLIPS OF BESSEMER, ALABAMA, A DISTINGUISHED PATRIOT AND VETERAN OF WORLD WAR I.**

GREG PAPPAS,  
Assistant Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hamilton, Holley, Black (M), Carter, Parker (P), Lindsey, Butler, Laird, Layson, Smith (R), Richardson, Poole, Payne, Hill, Knight, Letson, Anderson, and Warren:

**H. 326.** To prohibit those nonresidents fishing pursuant to sport fishing licenses provided for in Sections 9-11-55 and 9-11-56, Code of Alabama 1975, from taking or attempting to take fish from the public waters of this State by means of one or more trotlines having a combination of more than one hundred hooks, to require daily inspection of permissible trotlines and to prescribe certain criminal penalties.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 326 - to the Committee on Agriculture, Conservation, and Forestry**

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Ford (With Notice and Proof):

**H. 115.** Relating to taxation in Etowah County; authorizing the Etowah County Commission to levy either a county gasoline tax not to exceed a certain amount that would remain in effect indefinitely or to levy a certain sales and use tax that would only be in effect from its imposition date until December 31, 1995, providing that whichever county tax is imposed shall be administered, enforced and collected as provided by law by the state revenue department under terms of contract with the county; providing for enforcement penalties; and providing that the proceeds of the revenue raised from whichever tax is so imposed shall be deposited in a special fund in the county treasury to be expended for construction and maintenance of a county jail and renovation of the existing county courthouse.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 115, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

**GREG PAPPAS,**  
Assistant Clerk.

*GREG PAPPAS,*  
*Assistant Clerk.*

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 115 - to the Committee on Local Legislation No. 1**

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Richardson (With Notice and Proof):

**H. 140.** Relating to the City of Scottsboro in Jackson County, granting certain authority to the electric power board.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 140, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

Also:

By Rep. Black (L) (With Notice and Proof):

**H. 493.** Relating to Sumter County; providing certain additional compensation for the poll workers to be paid from the county general fund.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 493, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

Also:

By Rep. Carter (With Notice and Proof):

**H. 500.** Relating to Limestone County; providing that there shall be only one landfill in the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 500, AS REQUIRED IN THE

## GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB's 140 and 493 - to the Committee on Local Legislation No. 1

HB 500 - to the Committee on Commerce, Transportation, and Utilities

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (With Notice and Proof):

**H. 59.** This bill amends Act No. 612, H. B. 1141, 1978 Regular Session, (Acts 1978, p. 869), relating to the creation of the Industrial Development Authority of Escambia County, so as to provide for additions to the membership of the Authority.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 59, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. White (With Notice and Proof):

**H. 60.** Relating to Escambia County; providing further for ex-

pense allowances for the chairman and associate commissioners of the county commission to be paid from the county general fund and expiration date therefor and providing for a certain monthly salary for such chairman and associate commissioners to be effective after the next election with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for such chairman and associate commissioners of the county commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 60, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. White (With Notice and Proof):

**H. 61.** Relating to Escambia County; to provide further for the compensation and expense allowance of certain county officials effective October 1, 1991.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 61, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 59, 60, and 61 - to the Committee on Local Legislation  
No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Reps. Laird, Layson, Hamilton, and Richardson:

**H. 84.** To amend Sections 32-6-270 and 32-6-272 of the Code of Alabama 1975, so as to further define the term "Fire Fighter" and to provide further for their distinctive motor vehicle license plates.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 84 - to the Committee on Governmental Affairs/State Administration

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Petelos (With Notice and Proof):

**H. 366.** To amend Chapter 65 of Title 11 of the Code of Alabama 1975, which relates to horse racing and pari-mutuel wagering thereon in Class 1 municipalities, for the following purposes: to make certain legislative findings concerning the experience of the state's only Class 1 municipality with horse racing and pari-mutuel wagering thereon and the economic desirability of authorizing greyhound racing and pari-mutuel wagering thereon in a Class 1 municipality (now defined by statute to be a city with a population of 300,000 inhabitants or more as certified by the 1970 decennial census); to define the particular terms to be used in said Chapter 65 as amended by this act; to authorize a Class 1 municipality (the "sponsoring municipality") to incorporate a racing commission with power to license and regulate horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both; to provide that a racing commission incorporated pursuant to said Chapter 65 will be subject to the jurisdiction of the state ethics commission; to define a host county for a racing commission as the county in which a majority of the residents of the sponsoring



municipality reside and to provide that a racing commission incorporated for a sponsoring municipality will have power to license and regulate racing and wagering activities only in the part of such sponsoring municipality that is located in the host county; to provide for elections in the host county to authorize the incorporation of a racing commission and to determine the powers thereof; to amend said Chapter 65 concerning the appointment of certain members of a racing commission and the appointment of deputy members by certain members; to provide alternative arrangements for the appointment of the treasurer of a commission; to amend said Chapter 65 concerning the powers and duties of a racing commission and to impose certain limitations on such powers and duties respecting the confidentiality of information pertaining to a licensed operator and the rights of such operator to conduct its business under the supervision of the commission; to provide conditions relating to the award and use of licenses for horse racing, greyhound racing and pari-mutuel wagering thereon; to authorize retroactively and ratify the action of an existing racing commission in entering into a contract to grant a prospective licensee a license for greyhound racing and pari-mutuel wagering thereon prior to the legislative enactment of the commission's authority to grant such license; to modify the provisions of said Chapter 65 respecting a license to own or use a horse racing facility; to modify the application and review procedure for granting an operator's license to reflect the additional power and duty of a commission to license and regulate greyhound racing and pari-mutuel wagering thereon; to modify the terms of an operator's license concerning its periodic review and revocation, the allowance of successive three year renewal terms after the initial term of 20 years, and the scheduling and conducting of licensed activities; to modify the ownership requirements applicable to holders of horse racing facility licenses and holders of operator's licenses to conduct horse racing or greyhound racing; to modify the procedure of a commission for reviewing and granting permits for persons to work at a racing facility; to provide for judges for greyhound racing and to modify the appointment procedure for stewards for horse racing; to authorize and provide rules for the conduct of pari-mutuel wagering on greyhound racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools for greyhound racing that are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering on greyhound racing by each licensed operator to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide for a greyhound racing operator to hold commission racing days in each calendar year with the profits therefrom to go to the commission or charitable organizations designated by the commission; to provide that

horse racing or greyhound racing events conducted outside the sponsoring municipality may be televised to a racing facility under the jurisdiction of a commission and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations in the state or in other states; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to other locations in the state or in other states and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations to which such racing events are televised; to modify the purposes for which the net revenues of a racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to modify the prohibitions of said Chapter 65 against certain activities so as to make such prohibitions applicable to greyhound racing and pari-mutuel wagering thereon; to modify the penalties for certain prohibited activities concerning racing and pari-mutuel wagering; in the event that a state racing commission shall be established at any time, to provide in such event that any racing commission created under said Chapter 65 and its licensees for both horse racing and greyhound racing shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission; to provide that the provisions of said Chapter 65 as modified by the act shall be severable; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise both horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 366, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 366 - to the Committee on Local Legislation No. 2

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Buskey (JL) and Holmes:

**HJR 157. MOURNING THE DEATH OF HENRY WALTERS OF LEGRAND, ALABAMA.**

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 157, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McMillan and Penry:

**HJR 103. DESIGNATING THE LEON MCREYNOLDS LAKE, BALDWIN COUNTY, ALABAMA.**

JOHN W. PEMBERTON,  
Clerk.

Senator Lipscomb offered the following amendment to the Resolution, HJR 103, to-wit:

**AMENDMENT TO HJR 103**

Amend House Joint Resolution No. 103 as follows:

On Page 1, Line 16, delete the word "Blakney" and insert in lieu thereof the word "Blakeley".

And also, on Page 2, Line 7, delete the word "Blakney" and insert in lieu thereof the word "Blakeley".

Which was adopted.

**HOUSE MESSAGE**

On motion of Senator Lipscomb, the Rules were suspended and the Resolution, HJR 103, set out in the foregoing Message from the House, was concurred in and adopted, as amended, by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

By Reps. McClain, Curry, and Petelos:

**HJR 143.** COMMENDING DENNIS P. OWENS OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.

Also:

By Reps. McClain, Curry, and Petelos:

**HJR 144.** COMMENDING WALTER WILLIAMS OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.

Also:

By Reps. McClain and Curry:

**HJR 145.** COMMENDING WILLIE COLEMAN OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.

Also:

By Rep. Carter:

**HJR 147. COMMENDING HELEN CARTER, ATHENS-LIMESTONE COUNTY CHAMBER OF COMMERCE CITIZEN OF THE YEAR.**

GREG PAPPAS,  
Assistant Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 156. COMMENDING SARA DAVENPORT OF MONTGOMERY FOR OUTSTANDING SERVICE TO THE ALABAMA TEXTILE MANUFACTURERS ASSOCIATION.**

GREG PAPPAS,  
Assistant Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Butler, Grayson, Haney, Freeman, Hall, and Sanderford:

**HJR 128. INVITING GENERAL WILLIAM S. CHEN AND GENERAL JOHN S. PEPPERS TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.**

WHEREAS, Major Generals William S. Chen and John (Jack) S. Peppers, Commanding General of the U. S. Army Missile Command (MICOM) and Deputy Commander of the U. S. Army Strategic Defense Command (SDC), respectively, are the two senior Army Commanders at Redstone Arsenal whose organizations greatly impact upon the State of Alabama; and

WHEREAS, the contributions of MICOM and SDC to Alabama are anticipated to accelerate significantly in the future and several programs, including the proposed "Vision 2000" Army plan for consolidating several commands at Redstone Arsenal, the performance of MICOM systems in "Operation Desert Storm," and the implementation of the new SDC mission of Joint Theater Missile Defense (JMTD) are of consuming interest to the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully request General William S. Chen and General John (Jack) S. Peppers to appear before a joint session of the legislature on May 28, 1991, at a time to be later set, whereupon the members of the Alabama House of Representatives and the Alabama Senate will assemble in joint session to hear their remarks.

BE IT FURTHER RESOLVED, That the Clerk of the House, by copy of this resolution, advise General Chen and General Peppers of this invitation and of our hopeful anticipation of their acceptance.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 128, set out in the foregoing Message from

the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Smith (C), Turnham, Powell, and Venable:

**HJR 152.** COMMENDING AUBURN UNIVERSITY FACULTY MEMBERS DALE L. HUFFMAN, W. RUSSELL EGBERT, AND JOHN E. DUNKELBERGER; GRADUATE STUDENTS KYLE B. BULLOCK, CHIAO-MIN CHEN, KARLA KASABACK, MARTHA VEALE LIU, AND DOUGLAS SUMMERFORD; AND THE ALABAMA AGRICULTURAL EXPERIMENT STATION, THE COLLEGE OF AGRICULTURE, AND THE DEPARTMENT OF ANIMAL AND DAIRY SCIENCES.

Also:

By Reps. Carothers, Mathis, and Beasley:

**HJR 153.** COMMENDING HOUSTON ACADEMY'S BASKETBALL TEAMS FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The Resolutions, HJR's 152 and 153, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hamilton, Richardson, Layson, Mikell, Carter, Fuller, Curry,

Black (M), Newton (D), Starkey, Rich, Smith (R), and Turner:

**HJR 142. URGING CONGRESS TO REJECT ANY EFFORT TO IMPOSE GOVERNMENT-MANDATED UNREALISTIC STANDARDS ON THE AUTOMOTIVE INDUSTRY.**

WHEREAS, the automotive industry continues to make steady, continuous improvements in the fuel economy of the fleet it offers for sale to the public; and

WHEREAS, efforts have been made recently in Congress to impose drastic, government-mandated increases in the Corporate Average Fuel Economy (CAFE) standards on the automotive industry for cars and light trucks, calling for a forty percent increase to be achieved by the year 2001; and

WHEREAS, a major increase in the CAFE standards would sharply limit consumers' choice of vehicles, limiting them to choose from minicompact, subcompact and compact cars; and

WHEREAS, unrealistic standards would seriously reduce the availability of full-size and midsize vans and pickup trucks - the workhorse of many small businesses and farms; and

WHEREAS, it has been estimated that significantly higher CAFE standards would cost as many as 300,000 U. S. jobs in the next decade; and

WHEREAS, higher CAFE standards, which would reduce oil imports by only one to two percent by the year 2005, would do little to enhance U. S. energy security; and

WHEREAS, many national safety experts have expressed the opinion that a drastic increase in the standards would increase risk of fatalities and injuries because of smaller and lighter automobiles creating a vast difference in vehicle sizes operating on the roads and highways; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the Congress to reject any effort to impose government-mandated unrealistic standards on the automotive industry, thus preserving the freedom of the public to exercise its choice of vehicle to meet its needs.

BE IT FURTHER RESOLVED, That the Clerk of the House



dispatch a copy of this resolution to each member of the Alabama Congressional Delegation.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 142, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MOTIONS IN WRITING**

Senator Mitchell requested and received permission to suspend the Rules to offer the following Motions in Writing, to-wit:

I move that the Bill, SB 345, on page 39 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, SB 338, on page 38 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, SB's 345 and 338, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Windom requested and received permission to suspend the Rules to offer the following Motions in Writing, to-wit:

I move that the Bill, SB 39, on page 57 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, SB 94, on page 9 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, SB 95, on page 22 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, SB's 39, 94, and 95, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**S. 60.** Relating to Limestone County and the regulation and operation of privately-owned or controlled regional landfills for solid waste so as to further provide for such solid waste landfill operation and location within the county; providing that any such regulation and restriction shall be cumulative to any other provisions of law, rule or regulation on solid waste; and requiring the Limestone County Commission to call for a referendum election on the question of location or acceptance of any privately-owned or controlled regional landfill within the county prior to such operation, location or acceptance; and providing severability and effective date.

JIM PREUITT,  
Chairperson.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint

Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 59. REQUESTING THE FINANCE DEPARTMENT TO REPLACE THE ELEVATORS LOCATED IN THE EAST WING OF THE ALABAMA STATE HOUSE.**

Also:

**SJR 61. COMMENDING HENRY EUGENE ERWIN OF LEEDS, ALABAMA, RECIPIENT OF THE MEDAL OF HONOR.**

Also:

**SJR 62. COMMENDING SHELLIE PHILLIPS OF BESSEMER, ALABAMA, A DISTINGUISHED PATRIOT AND VETERAN OF WORLD WAR I.**

JIM PREUITT,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **MESSAGE FROM THE GOVERNOR**

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Lady and Gentlemen:

I transmit herewith to you a message from the Governor, returning Senate Joint Resolution No. 46, without the Governor's signature and approval, but with the following veto message.

Done this 9th day of May, 1991.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

**MESSAGE FROM THE GOVERNOR**

To The Senate of Alabama  
Alabama State House  
Montgomery, Alabama 36130

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Joint Resolution No. 46, without my signature. I hereby veto Senate Joint Resolution No. 46 and encourage you to join in my decision.

Done on this the 9th day of May, 1991.

Respectfully submitted,

GUY HUNT,  
Governor.

**GOVERNOR'S MESSAGE**

The Senate received the foregoing Message from His Excellency, the Governor, returning, the Resolution, SJR 46, without his approval.

Senator Denton moved that the Senate reconsider the Resolution, SJR 46, the Governor's veto notwithstanding, to-wit:

**SJR 46. URGING THE CONGRESS TO ENACT THE STRIKER REPLACEMENT LEGISLATION.**

And said Resolution, SJR 46, was again read at length and lost by a vote of the majority of the whole number elected to the Senate, said vote being: Yeas 12 Nays 20, sustaining the veto of His Excellency, the Governor.

Yeas:

Senators:

Bennett, Campbell, Corbett, Denton, Figures, Floyd, Horn, Langford, Lindsey, Parsons, Sanders, and Wilson -12

Nays:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, deGraffenried, Dial, Ellis, Ghee, Hale, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuitt, Smith (B), Smith (J), Waggoner, and Windom -20

Senator Ellis moved that the Senate reconsider the vote by which

the Resolution, SJR 46, was lost, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Yeas 17 Nays 11

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, deGraffenried, Dial, Ellis, Hale, Lipscomb, Mitchell, Mitchem, Owens, Preuit, Smith (B), Smith (J), and Windom  
-17

Nays:

Senators:

Bennett, Campbell, Corbett, Denton, Floyd, Horn, Langford, Lindsey, Little, Parsons, and Wilson  
-11

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 157. MOURNING THE DEATH OF HENRY WALTERS OF LEGRAND, ALABAMA.**

GREG PAPPAS,  
Assistant Clerk.

### SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### MOTION IN WRITING

Senator Bennett requested and received permission to suspend the Rules to offer the following Motion in Writing, to-wit:

I move that the Bill, SB 297, on page 51 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

**8th Day**

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, SB 297, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**RESOLUTIONS**

Senator Campbell requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 74. COMMENDING LAWRENCE COUNTY AS THE  
"COUNTY OF CHAMPIONS."**

WHEREAS, Lawrence County, designated as the "County of Champions" by the Lawrence County Chamber of Commerce, indeed epitomizes the proud tradition of winning through the state championship titles, honors and national recognitions received by their student athletes and other county citizens; and

WHEREAS, Lawrence County is the home of Hazlewood High School and Courtland High School, both of which have won, for the first time in the history of athletic competition in the State of Alabama, three consecutive State Football Championships; and

WHEREAS, Hatton High School's share of championships includes the 1990 Girls Volleyball State Title and the 1990 State Track Championship by Hatton's boys track team; and

WHEREAS, at Courtland High School, male and female student athletes also won the 1990 State Track Championships; and

WHEREAS, all-in-all, student athletes on teams representing Lawrence County high schools have won twenty-four State Championships in football, basketball, volleyball and track; and

WHEREAS, further, at all schools throughout the county, students have gained recognition through their academic, athletic and musical achievements; and

WHEREAS, the citizens, businesses and government agencies in Lawrence County, through hard work and united effort, have won national recognition for three consecutive years in the National Litterbuster Campaign, which now serves as a model program for the nation; and

WHEREAS, the citizens of Lawrence County, Alabama, are

indeed to be praised for their many accomplishments and for their contributions to Lawrence County's fame as the "County of Champions"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of endorsement of the honorary designation by the Lawrence County Chamber of Commerce, we hereby salute Lawrence County, Alabama, as the "County of Champions" and do further direct that a copy of this resolution be forwarded to the Chamber's Board of Directors.

On motion of Senator Campbell, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Campbell then requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 75. COMMENDING KELLY D. CAIN OF SOMERVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.**

WHEREAS, in consensus of commendation, the Legislature of Alabama notes the numerous accomplishments of Kelly D. Cain of Somerville, Alabama, a May 1991 candidate for associate degrees in English, pre-law, secondary education and general education from John C. Calhoun State Community College; and

WHEREAS, Ms. Cain, a sophomore political science and counseling psychology major with a 3.78 grade point average, has been named Calhoun's Most Outstanding Junior College Student; other of her honors include Who's Who Among Students in American Junior Colleges, National Dean's List, the President's and Dean's Lists at Calhoun; and, most recently, the prestigious Phi Theta Kappa Academic All-American First Team for Community, Technical and Junior Colleges; and

WHEREAS, the recipient of the Betsy J. Cantrell Memorial Scholarship for Outstanding Leadership, Miss Cain is involved in Calhoun's Honors forum and Phi Theta Kappa; serves as head of the Warhawks; and is a volunteer Champion for the colleges "Kids For College" program; and

WHEREAS, Kelly Cain also is involved in many community and civic volunteer activities including, Big Brothers/Big Sisters, Voluntary Action Center, Decatur General Hospital, Special Olympics, American

Red Cross and the Salvation Army; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Kelly D. Cain of Somerville, Alabama, for outstanding achievement and direct that she receive a copy of this resolution, in token of esteem, and with best wishes for every future success and achievement in life.

On motion of Senator Campbell, the Rules were suspended and the Resolution was adopted by the Senate.

### MOTION IN WRITING

Senator Bennett requested and received permission to suspend the Rules to offer the following Motion in Writing, to-wit:

I move that the Bill, SB 302, on page 22 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, SB 302, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### NOTICE IN WRITING

Senator Campbell requested and received permission to suspend the Rules to offer the following Notice in Writing, to-wit:

### NOTICE IN WRITING

Notice is hereby given that on the next legislative day, a motion in writing will be made to amend the Senate Rules as follows:

Amend Senate Rule 52 by adding section (c) as follows:

(c) In the event a local committee shall determine under the definition of Article IV, Section 110 of the Constitution of the State of Alabama that the bill assigned to that committee affects more than one political subdivision, the chairperson of said committee shall request that the presiding officer reassign said bill to another committee dealing with the subject matter therein.

Which was read and ordered filed with the Secretary.



**RESOLUTION**

Senators Parsons and Amari requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 76. NAMING THE STATE PRISON AT BESSEMER, ALABAMA, THE "WILLIAM E. DONALDSON CORRECTIONAL FACILITY."**

WHEREAS, the Legislature of Alabama has noted with a sense of deep regret the tragic death of William Earl Donaldson, who died on January 12, 1990, in the line of duty; and

WHEREAS, Mr. Donaldson was a correctional officer at the West Jefferson Correctional Facility for five years, during which time he served with honor and distinction; and

WHEREAS, Mr. Donaldson exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman, thereby gaining the admiration and respect of both his co-workers and those he supervised; and

WHEREAS, William Donaldson's career in the correctional system was dedicated to the performance of duty in a fair and equitable manner, insuring that the interests of the state were protected while, at the same time, attempting to rehabilitate and encourage the inmates he monitored; and

WHEREAS, Officer Donaldson's loyalty and dedication to the correctional system of this state should serve as an admirable example for his fellow officers and for all citizens; and

WHEREAS, this body believes, that in recognition of Officer Donaldson's ultimate sacrifice and as a symbol and honor for all the brave and valiant correctional officers of this state, the West Jefferson Correctional Facility should be renamed in his honor; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That in recognition of the outstanding contributions and service of William E. Donaldson to the Department of Corrections and State of Alabama, we do hereby name and designate the state prison at Bessemer, Alabama, the "William E. Donaldson Correctional Facility."

**BE IT FURTHER RESOLVED,** That the State Department of

Corrections is authorized to erect and maintain appropriate signs and markers so designating said facility, and that copies of this honorary designation be forwarded to the family of William E. Donaldson and to the Department of Corrections.

On motion of Senator Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Morrow, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 138. MOURNING THE DEATH OF ROY LEE MULLINS OF RUSSELLVILLE, ALABAMA.**

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The Resolution, HJR 138, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

**HJR 92. COMMENDING GENERAL COLIN L. POWELL,  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF.**

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 92, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carter:

**HJR 139. RELATIVE TO MEETING DAYS.**

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,  
BOTH HOUSES THEREOF CONCURRING,** That when the two houses adjourn today, Thursday, May 9, 1991, they adjourn to meet again on Tuesday, May 14, 1991.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

On motion of Senator Windom, the Rules were suspended and the Resolution, HJR 139, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Turner:

**HJR 141. COMMENDING TAMIEKIA LASHAE BONNER OF CITRONELLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.**

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 141, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Harper, Zoghby, Rockhold, Turner, Kennedy, Box, Clark (W), Gaston, McMillan, Penry, Buskey (JE), Kvalheim, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, and Willis:

**HJR 131. MOURNING THE DEATH OF DONALD GENE PARMER OF MOBILE, ALABAMA.**

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 131, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Curry:

**HJR 117.** COMMENDING HENRY EUGENE ERWIN OF LEEDS, ALABAMA, RECIPIENT OF THE MEDAL OF HONOR.

Also:

By Rep. Holladay:

**HJR 118.** COMMENDING THE PELL CITY HIGH SCHOOL LADY PANTHERS ON THE 1991 STATE CLASS 5A BASKETBALL CHAMPIONSHIP.

Also:

By Rep. Anderson:

**HJR 119.** COMMENDING THE DECATUR HIGH SCHOOL LADY RED RAIDERS ON THE 1991 STATE CLASS 6A BASKETBALL CHAMPIONSHIP.

Also:

By Reps. Gaston and Kvalheim:

**HJR 120.** COMMENDING BEA VOLKMAN OF MOBILE FOR OUTSTANDING CONTRIBUTIONS TO PUBLIC EDUCATION AND TO THE COMMUNITY.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The Resolutions, HJR's 117, 118, 119, and 120, set out in the foregoing Message from the House, were read and transferred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Bowling:

**HJR 121. RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.**

Also:

By Rep. McKee:

**HJR 122. CONGRATULATING ANITA TATUM OF MONTGOMERY, ALABAMA, FOR OUTSTANDING PUBLIC SERVICE.**

Also:

By Reps. Turnham and Higginbotham:

**HJR 124. COMMENDING T. C. BRITTON, JR., FOR DISTINGUISHED SERVICE TO THE STUDENTS AND SCHOOLS OF LEE COUNTY, ALABAMA.**

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The Resolutions, HJR's 121, 122, and 124, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Carter:

**HJR 106. RELATIVE TO MEETING DAYS.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, May 2, 1991, they adjourn to meet again on Tuesday, May 7, 1991.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 106, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**BUDGET ISOLATION RESOLUTION**

Senator Bennett, B.I.R., SB 75, adopted.

Yeas 19    Nays 1

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, deGraffenried, Ellis, Floyd, Foshee, Hale, Langford, Lipscomb, Little, Mitchell, Owens, Preuit, Smith (B), Smith (J), Wilson, and Windom  
-19

Nay: Senator Amari

- 1

**FURTHER CONSIDERATION OF SB 75**

The Senate proceeded to further consideration of the Bill:

**S. 75.** To amend Sections 32-6-250 and 32-6-251, Code of Alabama 1975, which provide distinctive license plates for Medal of Honor Recipients and Prisoners of War, so as to include recipients of the Purple Heart Medal.

having been postponed on the Fifth Legislative Day was taken up.

Senator Smith (J) offered the following amendment to the Bill, SB 75, to-wit:

**AMENDMENT TO SB 75**

Amend SB 75, Section 2, Page 2, line 11 by striking the word ~~immediately~~ and inserting therein the following new language:

on January 1, 1992

Which was adopted.

Yeas 19 Nays 1

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, deGraffenried, Ellis, Foshee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Smith (B), Smith (J), Wilson, and Windom -19

Nay: Senator Floyd

- 1

Senator Horn moved that the Rules be suspended and further consideration of the Bill, SB 75, as amended, be postponed subject to the call of the Chair.

Senator Smith (J) moved that the motion to postpone be laid on the table, which motion was lost.

Yeas 3 Nays 15

Yeas:

Senators:

Bolling, Lipscomb, and Smith (J)

- 3

Nays:

Senators:

Bailey, Barron, Campbell, Corbett, deGraffenried, Floyd, Foshee, Hale, Horn, Langford, Little, Mitchem, Owens, Smith (B), and Windom -15

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

**H. 389.** To amend Section 29-2-51 of the Code of Alabama



1975, relating to the permanent legislative committee on reapportionment so as to provide further for additional at-large members.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 389 - to the Committee on Rules

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Higginbotham, Richardson, Williams, Mathis, Gullatt, Ford, Harvey, Beasley, Hooper, and Hawkins:

**H. 120.** To amend Sections 40-1-33, 40-12-390, 40-12-391, 40-12-392, 40-12-394, 40-12-396, 40-12-398 and 40-12-414, Code of Alabama 1975, relating to automotive vehicle dealers, so as to exclude certain license information from general confidentiality provisions, provide further for revocation and denial of licenses, define certain terms, provide further for requiring certain business licenses, increase the surety bonds, increase the penalty for noncompliance, authorize the revenue department to promulgate rules and regulations and to repeal Section 40-12-52, Code of Alabama 1975, which requires a privilege license for automobile salesmen.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 120 - to the Committee on Small Business

**FURTHER CONSIDERATION OF SB 75, AS AMENDED**

The Senate proceeded to further consideration of the Bill, SB 75, as amended. The question was on the motion to postpone subject to the call of the Chair.

And on motion of Senator Horn, the Rules were suspended and further consideration of the Bill, SB 75, as amended, was postponed subject to the call of the Chair.

**MOTIONS IN WRITING**

Senator Bailey requested and received permission to suspend the Rules to offer the following Motions in Writing, to-wit:

I move that the Bill, SB 96, on page 29 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, SB 90, on page 23 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, SB's 96 and 90, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**MOTION TO ADJOURN LOST**

At 2:25 P.M., Senator Corbett moved that the Senate adjourn until Tuesday, May 14, 1991, at 2 o'clock P.M., which motion lost.

Yeas 6 Nays 18

Yeas:

Senators:

Corbett, Horn, Langford, Parsons, Sanders, and Windom

- 6

Nays:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Dial, Ellis, Foshee, Ghee, Hale, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuitt, Smith (B), and Smith (J)

-18

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Petelos, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 102. COMMENDING THE BIRMINGHAM NEWS FOR DISTINGUISHED ACHIEVEMENT.**

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 102, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Cosby:

**HJR 101. REQUESTING THE STATE HIGHWAY DEPART-**

**MENT TO ESTABLISH A POLICY REGARDING PRESERVATION  
OF WILDFLOWERS ON HIGHWAY RIGHTS-OF-WAY IN  
ALABAMA.**

WHEREAS, a large number of people of Selma and Dallas County, Alabama, are committed to the vast natural beauty of this state; and

WHEREAS, Alabama has in that natural beauty a large number of varieties of wildflowers found in the United States; and

WHEREAS, the people of Selma and Dallas County, Alabama, do commend and express their appreciation for the wildflower planting program by the Alabama Highway Department in Dallas County, and at other sites around the state; and

WHEREAS, in other states where there has been a long-range commitment to a policy of planting and conserving native wildflowers along their highway rights-of-way, the results have proven to be extremely gratifying in terms of aesthetics, and also productive in terms of an increase in tourist dollars; and

WHEREAS, large numbers of people in Selma and Dallas County, Alabama, have been informed, and now know, that the use of native wildflowers as ground covers along Alabama's highway rights-of-way may be an alternative to other types of roadside vegetation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That state officials, as well as private citizens, be alerted to the value and desirability of Alabama's beautiful and valuable natural resource, her wildflowers, and these people of Alabama do hereby request the establishment of a policy by the Alabama Highway Department for conservation, propagation, and protection of wildflowers indigenous to the areas along appropriate portions of the highway rights-of-way of the state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Governor of Alabama; the Mayor and City Council of Selma, Alabama; and to the Probate Judge and County Commission of Dallas County, Alabama.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 101, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. McKee:

**HJR 96. COMMENDING JUDY CROCKETT OF MONTGOMERY'S THOMAS HEAD ELEMENTARY SCHOOL, RECIPIENT OF ALABAMA'S OUTSTANDING LD TEACHER AWARD.**

Also:

By Rep. Layson:

**HJR 98. HONORING THE AMERICAN TREE FARM SYSTEM ON THE CELEBRATION OF ITS 50TH ANNIVERSARY.**

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, HJR's 96 and 98, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Smith (C):

**HJR 125. COMMENDING BARRY BAKER OF CLANTON,**

ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 125, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Clay:

**HJR 129. COMMENDING ROBERT E. LAWSON FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.**

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The Resolution, HJR 129, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

**S. 79.** To establish the requirements for informed consent for HIV testing; to provide that informed consent shall be implied under certain stated factual circumstances; to provide for counseling, referral to appropriate health care services, and explanation of individual responsibility shall be provided to any individual testing positive for HIV; and to provide for the confidentiality of HIV test results.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

On motion of Senator Smith (J), the Rules were suspended and further consideration of the following House amendment to the Bill, SB 79, the title of which is set out in the foregoing Message from the House, to-wit:

**AMENDMENT TO SB 79**

Amend SB 79, on page 1, Section 2, line 40, by adding after the word form the following:

should be

And on page 1, Section 2, line 42 by adding after the word "means" the following word:

"and"

was postponed subject to the call of the Chair.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

**H. 282.** This bill amends Section 2-5-14, Code of Alabama, 1975, to further define the disposition of funds.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 282 - to the Committee on Finance and Taxation**

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Powell:

**H. 197.** To amend Section 34-32-9, Code of Alabama 1975, relating to the qualifications for registration as professional soil classifiers, so as to provide further for such qualifications.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 197 - to the Committee on Agriculture, Conservation, and Forestry

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Lindsey:

**H. 419.** To make a supplemental appropriation from the Farmers' Market Authority Fund to the Farmers' Market Authority for the sum of two hundred thirty-eight thousand five hundred and fifty dollars (\$238,550) for the fiscal year ending September 30, 1991.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing



Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 419 - to the Committee on Finance and Taxation

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Campbell:

**H. 101.** To amend Section 29-1-18 of the Code of Alabama 1975, for the quadrennium ending January, 1995 only, which limits the number of members of a standing committee of the house of representatives to 15.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 101 - to the Committee on Governmental Affairs/State Administration

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Haynes:

**H. 505.** To amend Section 9-11-244, Code of Alabama 1975, relating to the taking of certain protected birds or animals by bait, so as to provide for an exception for certain hunting of migratory birds.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 505 - to the Committee on Agriculture, Conservation, and Forestry

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Higginbotham:

**H. 121.** Relating to the George Wallace, Jr., linked deposits plan pursuant to chapter 21, Title 5, Code of Alabama 1975; to amend Sections 5-21-2, 5-21-3, 5-21-4 and 5-21-11, Code of Alabama 1975, so as to expand the plan to include discretionary emergency interim deposits to support loans made for property loss due to natural or man-made disasters; to provide further for definitions and legislative intent; to authorize such emergency deposits and define the term in interest rate of such deposits and to extend the plan to September 30, 1995.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 121 - to the Committee on Banking and Insurance

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the Foreign Trade Relations Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 1st day of May, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. A. C. Shelton, Jr., from Jacksonville, Alabama, to the Foreign Trade Relations Commission. Mr. Shelton will be replacing Michael Griffin and his term will expire August 23, 1996.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 1st day of May, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Foreign Trade Relations Commission, was read and referred to the Standing Committee on Confirmations.

### REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hilliard:

**S. 422.** To authorize and provide the procedure for members of the legislature to be covered under the state employees' health insurance

plan; to provide for the payment of the premiums for members of the legislature and their dependents; to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

By Senators Corbett, Bailey, Windom, Little, Lindsey, Ghee, and Bedsole:

**S. 429.** To make an appropriation from the state general fund to the Department of Economic Development and Community Affairs, to make grants to promote the development and expansion of small business incubators and entrepreneurial services throughout the state that qualified public entities may use to facilitate access to other grant or local funds for this purpose; to name the contents of this bill and the programs established by the Alabama Small Business Incubator Act; to authorize the regional revolving loan policy committee established in Act 90-650 to administer this act; to authorize the said regional revolving loan policy committee to establish an advisory committee of knowledgeable entrepreneurial economic developers to assist in the duties of the committee; to provide appropriate resources for the administration of the programs established by the enactment of this bill; and to authorize the Department of Economic Development and Community Affairs to promulgate and implement rules and procedures for the administration of programs.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Amendment):

**S. 18.** To provide a means whereby any insurer organized under the laws of any other state may become a domestic insurer; to provide a means for any domestic insurer to transfer its domicile to another state; and to provide a means for the continuation of a certificate of authority and other approvals pertaining to any foreign insurer which transfers its corporate domicile to another state by merger or consolidation or any other lawful method.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with

a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (B) (With Substitute):

**S. 49.** To provide for mandatory errors and omissions insurance coverage for all active real estate brokers and salesmen; it authorizes the real estate commission to contract for such coverage in compliance with state competitive bid laws; it allows optional coverage by any insurance carrier which meets minimum standards; it provides that no such coverage shall be required when it is not available at a reasonable premium; and it authorizes the commission to promulgate necessary rules and regulations.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Little:

**S. 166.** To repeal Section 32-7-39, Code of Alabama 1975, relating to the expenses of administering Motor Vehicle Safety-Responsibility Act.

By Senator Little:

**S. 167.** To amend Section 32-7-22, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, so as to increase the motor vehicle liability policy from its present limits.

By Senator Little:

**S. 168.** To amend Section 32-7-27, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, so as to increase the proof of financial responsibility from \$11,000.00 to \$50,000.00.

By Senator Little:

**S. 181.** To amend Section 32-7-8, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, so as to change the time of suspension of driver's licenses from one year to two years and the elapsed time when such security was required from one year to

two years.

By Senator Little:

**S. 182.** To amend Section 32-7-2, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, so as to increase the proof of financial responsibility.

By Senator Windom:

**S. 353.** Relating to garnishment proceedings, exemptions and court procedures involving the collection of debt; to distinguish a prior order of a court for the withholding of child support from a prior order of garnishment; to provide that any such withholding order for child support shall not be deemed by the courts nor claimed by the garnishee or the defendant as an exemption from garnishment; to provide that a principal shall be required to furnish certain information about persons working on his premises even though such workers are furnished to him by a principal-employer through a contract; to provide that any such principal be required to furnish certain information about any principal-employer as well as said furnished workers and to provide that if such principal-employer is an out-of-state person, corporation or entity, the principal shall stand in his stead to acquire and withhold the amount of the garnishment and to forward the same to the plaintiff; to provide for the valuation of personal property exempted from sale or execution pursuant to Article IV, Section 92 and Article X, Section 204 of the Constitution of Alabama of 1901; and to provide for service of process by publication.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Amendment):

**S. 368.** To amend Section 7-9-404 of the Code of Alabama 1975, relating to termination statements on secured interests, so as to provide further for procedures relating to such statements.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and

placed on the calendar, to-wit:

By Senator deGraffenried (With Substitute):

**S. 132.** To provide for the development of a comprehensive emergency medical services system in the state and to adopt rules necessary to carry out the provisions of this act; to establish a unified emergency medical services system throughout Alabama to prevent needless loss of human life, disability, and suffering; to provide improved mechanisms for the development and implementation of plans addressing medical control and accountability for prehospital care, physician responsibility for the management of patient care including the issuance of physician orders from designated associate and resource hospitals for performance of advanced medical procedures by prehospital personnel, patient treatment and transportation requirements, professional and technical training, manpower, emergency medical communications, access to care and dispatching, coordinated patient record keeping, evaluation, public information, and mutual aid; to establish a state emergency medical control committee and a state advisory committee to assist with drafting of rules; to establish the position of state EMS medical director; to repeal sections 22-18-1 through 22-18-7, Code of Alabama 1975; and to provide penalties for violation of this act.

By Senator Barron (With Substitute):

**S. 406.** To authorize the State Board of Health to expend not more than \$1.5 million annually to make liability insurance premium grants to family practitioners, pediatricians and obstetricians who establish obstetrical practices in rural or underserved areas; to establish a maximum limit for the grant and authorize the State Board of Health to annually adjust such maximum limit to allow for annual premium increases; to establish criteria for eligibility; and for other purposes.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchell, Denton, Dial, Amari, Little, Smith (J), Wilson, and Corbett:

**S. 201.** To amend Section 27-21A-23 of the Code of Alabama 1975, relating to statutory construction and relationship of certain insurance laws as they relate to health maintenance organizations, so as

to provide further for such construction and legal relationship.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bailey (With Substitute):

**S. 387.** To amend sections 22-9-1, 22-9-11, 22-9-12, 22-9-30, 22-9-33 through 22-9-35, 22-9-50, 22-9-51, 22-9-70, 22-9-72, 22-9-73 and 22-9-79, relating to the Vital Statistics section to provide for a modernized system using existing technology for the collection, processing, registration and certification of vital records; to provide for an office of vital statistics and a statewide system of vital statistics; to provide for the appointment and duties of a state registrar; to establish local registration districts and local registrars; to provide for birth registration including for infants of unknown parentage, delayed birth registration and judicial procedures to establish facts of birth; to provide for death registration including delayed death registration, fetal death reports and authorization for final disposition; to provide for marriage and divorce registration; to establish procedures for amendment of vital records, disclosure of information from vital records, reproduction of vital records and copies and data from vital records; to establish fees for copies and searches for vital records; and to provide penalties for violation of this act; and to repeal sections 22-9-9, 22-9-10, 22-9-31, 22-9-32, 22-9-71 and 22-9-74 through 22-9-78.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Bedsole, Waggoner, and Dixon:

**S. 392.** To amend Section 22-20-3, Code of Alabama 1975, which provides for neonatal testing for certain diseases, so as to authorize certain other tests and the collection of a fee for the newborn screening program.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the



calendar, to-wit:

By Senator deGraffenried:

**S. 140.** To amend Section 41-16-21 of the Code of Alabama 1975, relating to contracts for which competitive bidding is not required generally and certain institutions exempted from provisions of the Article relating to powers and duties of the Department of Finance, so as to provide that those institutions and state agencies shall be required to solicit bids on contracts involving \$5,000.00 or more.

By Senator Owens:

**S. 157.** To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975, which provides for the per diem allowance and mileage allowance for persons traveling on state business, so as to increase such allowances.

By Senator Barron:

**S. 366.** To amend Section 37-3-4, Code of Alabama 1975, so as to include certain motor carriers who transport certain property in open-top dump vehicles to the exemptions contained therein.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Owens:

**S. 74.** To amend Section 32-5A-191 and Section 32-5A-194, Code of Alabama 1975, to change 0.10 percent or more by weight of alcohol to 0.08 percent or more by weight of alcohol to be under the influence of alcohol while driving or in actual physical control of any vehicle.

By Senator Windom:

**S. 136.** To amend Section 13A-7-29, Code of Alabama 1975, relating to littering, so as to increase the penalty.

By Senator deGraffenried:

**S. 145.** To amend the Code of Alabama 1975, Section 6-2-8 to

remove the category of "persons imprisoned on a criminal charge for any term less than life" from the list of persons who are considered to be under a civil disability with respect to commencing an action, making entry on land, or defending against an action and, as a result of said disability, are, under present law, permitted an additional three years, or the period allowed by law for the commencement of such action if it be less than three years, after release from prison, to commence a civil action, to make entry on land or to enter a defense founded on the title to real property, since inmates in all state penal institutions now have access to law libraries, administrative remedies and access to courts available.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchell:

**S. 314.** To amend Section 34-3-3 of the Code of Alabama 1975, relating to admission fees for applicants to the state bar, so as to provide further for such fees.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons (With Amendment):

**S. 328.** To be known as the Sunshine In Litigation Act of 1991; to provide definitions; to provide that a court may not enter a judgment which conceals a public hazard; to provide that certain contracts or agreements are void; to provide standing for certain persons; and to provide for an action for declaratory judgment.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bailey:

**S. 190.** To amend Sections 44-1-73 and 44-1-75, Code of

Alabama 1975, as amended, relating to funding and salary schedules for teachers, leaves and benefits at the department of youth services, so as to permit the youth services department to provide education in juvenile detention facilities; and to name such district.

By Senator Mitchell:

**S. 344.** To amend section 11-91-8, Code of Alabama 1975, authorizing governing bodies of counties and municipalities to provide health insurance to their retired employees, so as to authorize them to allow retired employees of county and municipal agencies, boards or commissions or surviving spouses, beneficiaries and dependents of such retired employees to participate in the health insurance program.

By Senator Smith (B):

**S. 385.** To further provide for payroll deductions for public officers and employees, so as to establish an annual Alabama State Employees Combined Charitable Campaign; to repeal Section 36-1-4.1, Code of Alabama 1975, as amended, relating to local United Way agencies and certain other health charities and payroll deductions.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

**S. 395.** Relating to sheriffs' departments of this state; to clarify the status of the position of chief deputy sheriff and to provide that each county shall have a chief deputy sheriff.

By Senator Ellis:

**S. 178.** To propose an amendment to the Constitution to provide that no bond, warrant or any other obligation of any county shall be considered a bond for the purposes of Section 222 of the Constitution of Alabama of 1901, as amended, nor shall any bond, warrant or any other obligation of any county be included in the indebtedness of such county within the meaning of any provision of Section 224 of the Constitution of Alabama of 1901, as amended, if any such bond, warrant or other obligation is issued to provide, improve or repair any public facilities or

improvements (including, without limitation, roads, streets, sidewalks, sanitary sewers, storm water sewers, sewage treatment facilities, flood control facilities, seawalls, and lighting systems) specially benefiting, to any degree, one or more tracts or parcels of property if the cost of such public facilities or improvements is to be assessed, in whole or in part, against such property.

The above Bill was read a second time at length as required by the Constitution.

By Senator Owens:

**S. 289.** To amend Sections 11-51-90 and 11-51-93, Code of Alabama 1975, relating to municipal business licenses, so as to increase the fees and to increase the penalty for engaging in a business or vocation without a license.

By Senator Hale:

**S. 352.** To provide for a cost-of-living increase to each pensioner and annuitant whose retirement is based upon service to an employer participating in the Employees' Retirement System under section 36-27-6, Code of Alabama 1975, but who retired prior to such employer's participation in said system, provided the employer elects to come under the provisions of the act.

By Senator Denton:

**S. 143.** To amend Sections 39-1-1, 39-2-2, 39-2-3, 39-2-5, 39-2-9 and 39-2-12, Code of Alabama 1975, relating to public contracts, so as to increase the amount of contracts for which bonds are required and to allow certain security to be used in lieu of a bond for contracts under \$20,000.00; to increase the bid amount requiring formal advertising; to eliminate the \$5.00 proposal fee and combine proposal, plan, and specification fee; to increase the maximum amount for bid bonds; to extend the periods of time within which bids must be returned; to extend the period of time allowed for approval of the bond and execution of the contract; and to allow payment for materials suitably stored off the job site.

Senator Wilson, Chairperson of the Standing Committee on Energy and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Substitute):

**S. 301.** To amend Sections 22-25-1, 22-25-2, 22-25-7, 22-25-9 and 22-25-11, Code of Alabama 1975, which provide for Water and Wastewater Systems and Treatment Plants, so as to clarify certain definitions; to include wastewater collection systems within the provisions of the chapter; to provide further for the certification and discipline of operators; and to provide further for violations of chapter 25, Title 22.

Senator Wilson, Chairperson of the Standing Committee on Energy and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Lindsey, Wilson, Floyd, Ellis, Parsons, and Windom:

**S. 306.** To permit a domestic limited partnership to merge with one or more domestic limited partnerships, corporations or certain other business entities; to provide for the requirements, effects and procedures of merging said entities; to provide for certain filings and reports and the contents and effect of said filings and reports; to provide for service of process; and to provide for the vesting of certain rights, privileges, powers, property, liabilities and duties.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchell:

**S. 414.** To authorize state agencies an administrative option to require the timely electronic remittance of immediately available funds by any person, corporation or partnership required to satisfy an obligation due any agency of the state of Alabama amounting to one hundred thousand dollars (\$100,000) or more effective January 1, 1992, fifty thousand dollars (\$50,000) or more effective January 1, 1993 and twenty-five thousand dollars (\$25,000) or more effective January 1, 1994; establishes the date from which penalties and interest will be computed; and authorizes the promulgation of rules and regulations governing the manner in which such payments shall be made.

Senator deGraffenried, Chairperson of the Standing Committee on

Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Dial (With Amendment):

**S. 97.** To authorize the state department of human resources by and through its commissioner, to enter into interstate adoption assistance compacts to provide for medical and other necessary services for special needs children; to provide procedures for interstate adoption assistance payments, including medical payments; and to provide a penalty for the false or fraudulent submission of any claim for payment or reimbursement for services.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

**S. 174.** To amend Section 15-18-8, Code of Alabama 1975, so as to provide that commitment of a convicted defendant to a mental health facility shall be for appropriate clinical purposes only and shall be based on a finding by the court that the defendant meets the criteria for involuntary civil commitment in the state of Alabama.

By Senator deGraffenried:

**S. 179.** To amend Section 36-7-21 of the Code of Alabama 1975, relating to allowances for persons traveling outside the state of Alabama, so as to permit the employing agency to elect to advance direct payments to third parties of travel and travel-related expenses for authorized travel out of state.

By Senators Dial, Mitchem, Bolling, Denton, Little, Owens, Ellis, Hale, Corbett, Waggoner, Bedsole, Hilliard, Horn, Parsons, deGraffenried, Preuitt, Bailey, Langford, Bennett, Dixon, Floyd, Barron, Campbell, Mitchell, Lindsey, Lipscomb, Windom, Wilson, Amari, and Ghee:

**S. 200.** To provide for certain governmental agencies to compensate those government employees who participated in Operation

Desert Shield/Operation Desert Storm.

By Senator Bailey:

**S. 389.** To amend Section 26-16-30 of the Code of Alabama 1975, relating to the children's trust fund so as to provide further for regulating the investment of trust fund money.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Ghee, Corbett, Bennett, Wilson, Ellis, Windom, Parsons, Figures, Floyd, Foshee, and Bolling:

**S. 325.** To amend Sections 16-28-3, 16-28-7, 16-28-9, and 16-28-11, Code of Alabama 1975, relating to compulsory school attendance, enrollment, and reporting so as to lower the minimum compulsory attendance age from seven to age six and to require kindergarten.

Senator Hilliard, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Campbell, Barron, deGraffenried, Hilliard, Horn, Langford, and Foshee:

**S. 398.** To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to authorize formation of a public corporation for a statewide "One-Call Notification System" and to provide for its directors, powers and general administrative procedures; to prescribe procedures for response to both emergency and routine

notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1992.

Senator Hilliard, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Preuitt, Foshee, Owens, Floyd, Ghee, Ellis, Bedsole, Campbell, Dial, deGraffenried, and Barron (With Amendment):

**S. 192.** To amend Section 32-5-76, Code of Alabama 1975, relating to spilling of loads on to highways, so as to prohibit persons hauling uncovered garbage, paper or litter.

Senator Hilliard, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee:

**S. 402.** To amend section 37-2-41, section 37-4-23 and section 37-4-116 of the Code of Alabama 1975, relating to the inspection and supervision fees paid by transportation, utility, and radio utility companies, so as to provide further for such fees; and to provide for the future compensation of certain employees.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale (With Amendments):

**S. 354.** To regulate credit services organizations; to provide for certain exemptions; to prohibit certain conduct by the organizations; to require surety bonds; to require registration with the secretary of state; to require the disclosure of certain information prior to executing



contracts; to prescribe the form and terms of the contracts; to provide for damages, civil relief and penalties for violations.

Senator Preuit, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senator Little:

**S. 115.** To create an Alabama Clearinghouse for State Publications within the Alabama Public Library Service and provide for its operations, duties and authority; to authorize reasonable rules and regulations; to provide for the creation of state publications depositories; and to repeal section 41-6-12, Code of Alabama 1975, which requires the printing of 250 additional copies of state publications for use by the Department of Archives and History.

By Senator Little:

**S. 164.** To amend Act No. 90-624, H. 570, 1990 Regular Session, codified as Section 36-29-14, Code of Alabama 1975, which provides the procedure for officers, employees and retirees of certain cities, towns, fire districts, water and fire authority districts and the Alabama League of Municipalities to be covered under the state employees' health insurance plan, so as to include employees of regional planning and development commissions within the coverage.

By Senator Parsons:

**S. 31.** To define certain terms; to provide for the imposition of civil liability without fault upon a performer who incites a spectator to cause injury or death to another person; to provide also for the imposition of civil liability on the promoter for said injury or death; and to establish a cause of action and for the recovery of damages.

#### BUDGET ISOLATION RESOLUTION

Senator Little, B.I.R., SB 115, adopted.

Yeas 17 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bolling, deGraffenried, Dial, Ellis, Foshee, Hale, Hilliard, Langford, Lipscomb, Little, Mitchell, Preuit, Sanders, Smith (J), and Windom

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Nays:

- 0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**S. 115.** To create an Alabama Clearinghouse for State Publications within the Alabama Public Library Service and provide for its operations, duties and authority; to authorize reasonable rules and regulations; to provide for the creation of state publications depositories; and to repeal section 41-6-12, Code of Alabama 1975, which requires the printing of 250 additional copies of state publications for use by the Department of Archives and History.

was taken up.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

#### **HJR 139. RELATIVE TO MEETING DAYS.**

GREG PAPPAS,  
Assistant Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### **REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill and

Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SB 60

SJR 61

SJR 62

SJR 59

Delivered to the Governor, May 9, 1991, at 1:25 P.M.

McDOWELL LEE,  
Secretary.

### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### ADJOURNMENT

At 3:25 P.M., on motion of Senator Corbett, in accordance with Motion and Joint Resolution heretofore adopted, and pending further consideration of the Bills, SB's 82 and 115, the Senate adjourned until Tuesday, May 14, 1991, at 2 o'clock P.M.

## **NINTH LEGISLATIVE DAY**

**TUESDAY, MAY 14, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Porter Osby, Beulah Baptist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Portia Osby, Sidney Lanier High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**RECESS**

At 2:15 P.M., on motion of Senator deGraffenried, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 2:20 P.M., the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Foshee:

**S. 460.** To amend Section 24-5-2 of the Code of Alabama 1975, relating to mobile homes so as to further define the word dealer and to exclude the occasional sale by private homeowners and financial institutions.

**Committee on Small Business**

By Senator Foshee:

**S. 461.** To amend Sections 41-4-180, 41-4-182, 41-4-184 and 41-4-185 of the Code of Alabama 1975, relating to the state capitol police, so as to remove said police from the auspices of the finance department and to place said police under the auspices of the legislative council, to prescribe additional duties of said capitol police, to transfer all appropriations and equipment to the legislative council, to provide for the wearing of a uniform by the capitol police and to authorize the legislative council to provide certain insurance.

**Committee on Economic Affairs**

By Senator Bedsole:

**S. 462.** To provide that investigators in the department of

human resources who conduct criminal welfare fraud investigations and who possess certain training standards shall be deemed state law enforcement officers and shall possess the authority of a peace officer; to provide that the salary, merit system and retirement system status of said investigators shall not be altered by the provisions of this act; and to provide exemption from certain civil liability for such investigators.

Committee on Public Welfare

By Senator Foshee:

**S. 463.** Relating to chiropractic services; to amend Sections 34-24-120 and 34-24-122, Code of Alabama 1975, relating to the definitions, authorities, rights and duties of chiropractic practitioners in Alabama, so as to provide further for the practice of chiropractic physicians, and the accreditation of schools of chiropractic, and to provide further for the authorities, rights and duties of chiropractic physicians.

Committee on Health

By Senator Little:

**S. 464.** To provide that any member of the employees' retirement system of Alabama, who, not more than one year prior to becoming a member of the said system, was a member of the judicial retirement fund, may elect to transfer his creditable service and accumulated contributions from the judicial retirement fund to the employees' retirement system.

Committee on Finance  
and Taxation

By Senator Preuitt:

**S. 465.** To amend sections 30-3-61 and 30-3-62, Code of Alabama 1975, relating to child support withholding orders, so as to require the employer to remit to the clerk of the court, the department, or its designee the child support withheld within 10 days of the date the obligor is paid; to provide that payments withheld shall be paid over by the employer in accordance with section 30-3-61(b), Code of Alabama 1975; to specify the requirements for termination of withholding orders; and to require prompt termination of withholding when criteria are met; to amend section 30-3-94, Code of Alabama 1975, relating to the

Interstate Income Withholding Act, so as to provide for immediate wage withholding on interstate child support cases.

Committee on Health

By Senator Preuitt:

**S. 466.** To amend section 38-10-9, Code of Alabama 1975, which provides for the department of human resources to conduct investigations regarding financial ability of parents who owe child support, so as to authorize the department to conduct investigations to locate absent parents; to provide a penalty for failure to provide information; and to require private employers upon written request to furnish the department with certain information regarding a parent or putative parent in their employ; to amend section 38-10-12, Code of Alabama 1975, so as to exclude federal and state offset collections and disregard payments from the requirement that child support collections be disbursed within five days of receipt, in order to clarify compliance with other state law and federal regulations.

Committee on Health

By Senator Mitchem:

**S. 467.** To create a new district judgeship in Marshall County.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senators Parsons, Amari, and Waggoner:

**S. 468.** Relating to Jefferson County; for the relief of Virginia Freeman and to authorize and direct the Jefferson County Board of Education to pay the sum of 50 percent of \$90,000.00 to Virginia Freeman out of the county board of education fund for medical services and other expenses in connection with a stroke suffered by Virginia Freeman while acting within the scope of her employment as a tenured biology instructor at Gardendale High School.

Committee on Finance  
and Taxation

By Senator Parsons (With Notice and Proof):

**S. 469.** To authorize the Board of Managers of the City of

Birmingham Retirement and Relief System to consider the application of Donald C. Waid for a pension based upon extraordinary disability and to award such pension if, in the judgment of the Board of Managers, such pension is required, and to provide for the conditions and limitations applying to such pension.

Committee on Finance  
and Taxation

I hereby certify that the notice and proof is attached to the Bill, SB 469, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Barron:

**S. 470.** To amend Sections 8-6-10, 8-6-11 and 8-7-6, Code of Alabama 1975, relating to the Alabama Securities Commission, so as to provide further for funding for said commission by increasing certain commission application and investigative fees as well as earmarking certain other existing securities commission application and license fees for use by the commission; and to provide for an appropriation to the Alabama Securities Commission from monies deposited in the Alabama Securities Commission Fund.

Committee on Finance  
and Taxation

By Senator Hilliard:

**S. 471.** To reopen the judicial retirement fund for purchase of prior service credit by an active and contributing member who has prior service as a legislator and/or full-time prosecutor; to provide for the cost of purchasing such prior service credit and provides for a termination date.

Committee on Finance  
and Taxation

By Senator Horn:

**S. 472.** To amend Section 11-63-1 of the Code of Alabama



1975, relating to financial assistance for certain public corporations so as to provide further for the appointment of the directors.

Committee on Finance  
and Taxation

By Senator Hilliard:

**S. 473.** To allow municipal judges who are in office on the effective date of this act to elect coverage in the district judges' retirement system of Alabama; to provide the time in which the election shall be made; to provide that all municipal judges employed after the effective date shall automatically be included in the district judges' retirement system; and to provide for the purchase of up to five years prior service as a municipal judge as creditable service in the district judges' retirement system.

Committee on Finance  
and Taxation

By Senator Hale:

**S. 474.** To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the payment of additional bonds of the State Industrial Development Authority.

Committee on Industrial  
Development and Expansion

By Senator Little (With Notice and Proof):

**S. 475.** Relating to the City of Opelika; to provide that the City of Opelika shall not exercise police jurisdiction or taxing power in any county unless a part of its corporate limits also lies in the county.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 475, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Little (With Notice and Proof):

**S. 476.** Relating to Lee County, to impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for a fee for the revenue department for the collection of same; and to provide for penalties for failure to pay.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 476, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Owens:

**S. 477.** To further amend Section 14-2-12 of the Code of Alabama 1975, so as to authorize Alabama Corrections Institution Finance Authority to issue an additional \$25,000,000 aggregate principal amount of Bonds.

Committee on Industrial  
Development and Expansion

By Senators Horn and Hilliard:

**S. 478.** To direct the state parks division of the conservation and natural resources department to accept Village Creek and Bayview Lake and to provide for development and management.

Committee on Finance  
and Taxation

By Senators Horn and Hilliard:

**S. 479.** To direct the state parks division of the conservation and natural resources department to purchase Lane Park and Shades Valley High School and to provide for development and management.

Committee on Finance  
and Taxation

By Senator Hilliard:

**S. 480.** To propose an amendment to Section 16 of the

Constitution of Alabama of 1901, to provide for bail, except for capital offenses, or where release cannot reasonably assure appearances and safety of others and community.

Committee on Constitution  
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Owens:

**S. 481.** To amend Sections 2-15-66, 2-15-90 and 2-15-93, Code of Alabama 1975, relating to livestock markets, so as to provide further for the purchasing at livestock markets, and to provide further for the permits and bonds of persons who weigh livestock at markets.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Owens:

**S. 482.** To amend Sections 2-3-24, 2-19-130, 2-26-71, 2-27-6, 2-27-30, 9-8A-3 and 41-9-243, Code of Alabama 1975, relating to the membership of certain committees, organizations and commissions acting in connection with farmers and agriculture, so as to reflect the change in name of Alabama Farm Bureau Federation to Alabama Farmers Federation; and to ratify and confirm all actions taken under the authority of said sections of the Code of Alabama 1975 by Alabama Farmers Federation or its officers, as the successor to Alabama Farm Bureau Federation.

Committee on Small Business

By Senator Hilliard:

**S. 483.** To amend Section 27-1-18, Code of Alabama 1975, relating to patient reimbursement under certain medical expense insurance policies, so as to require that insurance policies or medical service contracts which include reimbursement for services rendered by psychiatrists and psychologists, shall also include reimbursement for services rendered by clinical social workers, professional counselors and psychiatric nurses.

Committee on Banking  
and Insurance

By Senator Bolling (With Notice and Proof):

**S. 484.** Relating to Fayette County, repealing Act No. 673, H. 1882, 1973 Regular Session, and Act No. 465, H. 885, 1978 Regular Session, relating to the expense allowance of the county superintendent of education.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 484, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Owens:

**S. 485.** To amend Section 6-11-27, Code of Alabama 1975, relating to the liability of principals for the acts of their agents, employees or servants, so as to provide further for such liability.

Committee on Small Business

By Senator Ellis:

**S. 486.** To provide that all fulltime employees and executive officers of the Developing Alabama Youth Foundation may elect to become members of the Teachers' Retirement System of Alabama; to provide that said foundation and its employees shall assume all costs, both contributory and administrative; and that no costs shall devolve upon the state.

Committee on Finance  
and Taxation

By Senator Ellis:

**S. 487.** To provide for the employment, powers, and duties of police officers of the University of Montevallo.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Bennett (With Notice and Proof):

**S. 488.** Relating to the Jefferson County Tax Assessor's office

and the Jefferson County Tax Collector's office; to amend provisions for salaries of the Appointed Chief Deputy Tax Assessors and the Appointed Chief Deputy Tax Collectors.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 488, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hilliard (With Notice and Proof):

**S. 489.** To amend Section 3.05 of Act No. 452, H. 974, 1955 Regular Session (Acts 1955, p. 1004), as amended, which provided for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the 1970 federal decennial census, now defined by statute as Class 1 municipalities and applicable only to the City of Birmingham, so as to authorize an increase in the salaries of members and the President of the City Councils of Class 1 municipalities, to eliminate payment of expense allowances to such Council members as provided for in Section 11-43-7.1(a) of the Code of Alabama 1975, and to specify when such increased salaries shall become effective.

Committee on Local  
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 489, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Barron, Corbett, Dial, Wilson, Little, Bailey, Ghee, Dixon, Lipscomb, Bolling, Ellis, Mitchem, Preuitt, Campbell, Horn, Bennett, and Floyd:

**S. 490.** To establish the Alabama Water Resource Development Fund; to provide for the administration and use of the fund; to provide for user fees; and to authorize the commission.

Committee on Finance  
and Taxation

By Senators Barron, Corbett, Dial, Wilson, Little, Bailey, Bedsole, Ghee, Dixon, Lipscomb, Bolling, Ellis, Foshee, Preuit, Campbell, Horn, Bennett, and Floyd:

**S. 491.** To amend Section 41-23-1, Code of Alabama 1975, pertaining to the Department of Economic and Community Affairs, so as to establish the Office of Water Resources as a division of the Department of Economic and Community Affairs; to authorize the Office of Water Resources to take necessary steps to study and evaluate the water resources of the state; to establish the Alabama Water Resources Commission; to authorize the Alabama Water Resources Commission to promulgate rules and regulations for the Office of Water Resources; to authorize the Office of Water Resources to negotiate agreements or compacts with other states regarding the waters of the state; to authorize the Office of Water Resources to monitor the use of the water resources of the state; to grant the Office of Water Resources the authority to encourage the efficient use and development of the water resources of the state; and, to appropriate funds for the activities of the Office of Water Resources and the Alabama Water Resources Commission.

Committee on Finance  
and Taxation

By Senator Hilliard:

**S. 492.** Relating to the Alabama Public Service Commission application proceedings for motor carriers; amending Section 37-3-34 of the Code of Alabama 1975, to provide for modified procedures in lieu of oral hearings on certain applications.

Committee on Commerce,  
Transportation, and Utilities

By Senator Figures:

**S. 493.** To amend Section 12-17-40, Code of Alabama 1975, relating to supernumerary circuit judges, so as to provide further for the individuals who may qualify as supernumerary circuit judges.

Committee on Finance  
and Taxation

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same

herewith to the Senate:

**S. 110.** To amend Section 34-24-80 and Section 34-24-83, Code of Alabama 1975, relating to the evaluation by the State Board of Medical Examiners of Colleges of Medicine located outside of the United States and the District of Columbia, so as to provide further for such evaluation and the licensing of graduates of such schools.

GREG PAPPAS,  
Assistant Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Haynes:

**H. 325.** To amend Sections 12-17-220 and 36-26-10, Code of Alabama 1975, relating to certain employees within the district attorneys' offices and the State Merit System, so as to provide that assistant district attorneys, investigators, clerical, secretarial and other personnel employed in a district attorney's office serve at the pleasure of the district attorney and are in the exempt service of the state and to provide for its retroactive effect.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 325 - to the Committee on Governmental Affairs/Local Government

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Rep. McDaniel:

**H. 36.** To further amend Section 40-9-12, Code of Alabama, 1975, as last amended so as to provide exemptions of all real and personal property of Alabama Goodwill Industries, Inc., Goodwill Industries of Mobile Area, Inc. and Goodwill Industries of Central Alabama, Inc. from the payment of any and all state, county and municipal taxes, licenses, fees and charges of any nature whatsoever, including any privilege or excise tax heretofore or hereafter levied by the state of Alabama or any county or municipality thereof.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 36 - to the Committee on Small Business

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McDaniel and Rich:

**H. 356.** To provide for participation of employees of regional and local legislative delegation offices in the state employees' retirement system.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 356 - to the Committee on Finance and Taxation



MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hill, Johnson, Beasley, Millican, and Knight:

**H. 354.** To amend §40-17-31 (a) and §40-17-171, Code of Alabama, 1975, to provide that purchases of gasoline and lubricating oil by city and county boards of education, the Alabama Institute for Deaf and Blind, and the Department of Youth Services School District shall be exempt from taxation under the levy provided for in §40-17-31 (a) and §40-17-171, Code of Alabama, 1975.

Also:

By Rep. Penry:

**H. 396.** To authorize any Class 2, 3, 4, 5, 6, 7 or 8 municipality, operating under a council-manager form of government or under a mayor-council-city manager form of government, to establish a council-manager form of government; to provide for an election for the qualified electorate to continue to operate under the council-manager form of government under this act or to choose the mayor-council form of government pursuant to Section 11-43-1, et seq. of the Code of Alabama 1975, which provides for the operation and administration of such governing body; to provide for the powers, duties and responsibilities and terms of office for each form of government; to prescribe that any annexation and the present boundaries shall continue; to provide that the mayor and council members shall continue in office until the expiration of their current terms; to provide for the composition of the council and the number of single-members districts and for certain municipal officers; to preserve any current civil service or merit system; to provide for the transition of powers, duties and assets of any office, department, board, commission or agency where applicable, as well as the continuation of all contracts, public improvements, ordinances providing for civil or criminal penalties, the proceedings of the municipality, and resolutions; to provide for referendum procedures and the effective date; to provide for fiscal and budgetary matters of the governing body and municipality; to repeal any laws or parts of laws in conflict with this act; and to prescribe criminal penalties for violations.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 354 - to the Committee on Finance and Taxation

HB 396 - to the Committee on Governmental Affairs/Local Government

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Holley:

**H. 330.** To authorize the establishment of watershed management authorities; to express legislative intent; to define relevant terms; to specify the purposes of said authorities; to define the land which may be included in an authority; to provide the method for creating an authority; to provide for a hearing prior to creation; to create a board of directors to govern the authority and provide for the method of appointing or electing said board and their successors; to provide for the terms of office of board of directors members and the method of filling vacancies; to provide procedures for the operation of the board of directors; to provide for the reimbursement of expenses incurred by board members; to provide for the powers and duties of the board of directors; to authorize the issuance of bonds; to provide for the discontinuance of an authority and the assumption of assets; to provide for annual audits; to provide officers and employees of the authority shall be subject to the state code of ethics; to authorize full-time employees of the authority to join the employees' retirement system and receive health insurance and other benefits; to provide an authority shall be subject to competitive bid laws and to exempt an authority from certain taxes.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 330 - to the Committee on Agriculture, Conservation, and Forestry

**FURTHER CONSIDERATION OF SB 79**

The Senate proceeded to further consideration of the Bill:

**S. 79.** To establish the requirements for informed consent for HIV testing; to provide that informed consent shall be implied under certain stated factual circumstances; to provide for counseling, referral to appropriate health care services, and explanation of individual responsibility shall be provided to any individual testing positive for HIV; and to provide for the confidentiality of HIV test results.

as amended by the House, which said Message is set out and was postponed in the Journal of the Senate for the Eighth Legislative Day.

Senator Smith (J) moved that the Senate concur in and adopt the House amendment to the Bill, SB 79.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**S. 110.** To amend Section 34-24-80 and Section 34-24-83, Code of Alabama 1975, relating to the evaluation by the State Board of Medical Examiners of Colleges of Medicine located outside of the United States and the District of Columbia, so as to provide further for such evaluation and the licensing of graduates of such schools.

**JIM PREUITT,**  
Chairperson.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after

the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### FURTHER CONSIDERATION OF SB 79

The Senate proceeded to further consideration of the Bill, SB 79. The question was on the motion of Senator Smith (J) that the Senate concur in and adopt the House amendment to the Bill, SB 79.

And on motion of Senator Smith (J), the Senate concurred in and adopted the House amendment to the Bill, SB 79.

Yeas 25 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dial, Ellis, Floyd, Foshee, Hale, Hilliard, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (J), Wilson, and Windom -25

Nay: Senator Corbett

- 1

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

#### SR 77. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the ninth legislative day of the 1991 Regular Session only:

Inst Id	Page
<b>S. 81</b>	22
Brandy, exempt from cert. labeling requirements, Secs. 28-3-1, 28-3-187.1 am'd.	
<b>S. 151</b>	19
Legal holidays, observance of alt., Sec. 1-3-8 am'd.	

**REGULAR SESSION**  
**9th Day**

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<b>S. 111</b>	20
Home builders, licensure and regulation	
<b>S. 63</b>	2
Alcoholic beverages, Sunday sales auth., Sec. 28-3A-12, 28-3A-19, 28-3A-20, 28-3A-25 am'd.	
<b>S. 414</b>	74
State agencies, electronic transfer of funds auth.	
<b>S. 1</b>	5
Hunting by nonresidents without licenses, penalty incr., Sec. 9-11-51 am'd.	
<b>S. 14</b>	11
Checkoff on st. income and franchise tax returns for indigent offender alcohol and drug treatment trust fund	
<b>S. 137</b>	26
Acts of Alabama, 1989 Sp. Sess. and 1990 Reg. Sess., codified	
<b>S. 43</b>	3
Regional reciprocal banking, acquisition of Al. bank holding company or an Al. bank by a regional bank holding company, Sec. 5-13A-3 am'd.	
<b>S. 28</b>	27
Hospices, licensing of, Secs. 22-21-20, 22-21-27 am'd	
<b>S. 58</b>	27
Respiratory Care Act estab., bd., license, fees	
<b>S. 40</b>	4
Municipalities and cos., auth. to assist each other and other cos. and muns. in disasters	
<b>S. 193</b>	13
University football coaches, auth. to participate in American Football Coaches Retirement Trust	
<b>S. 48</b>	24
Bar exam, cert. law school graduates, auth. to take, Sec. 34-3-2.1 am'd.	

<b>S. 389</b>	76
Children's Trust Fund, investment of trust fund money further reg., Sec. 26-16-30 am'd.	
<b>S. 51</b>	11
Institute for Deaf and Blind, surplus prop. auth. to be traded in on replacement prop. without public bid	
<b>S. 52</b>	12
Institute for Deaf and Blind, bd. of trustees, auth. to be reimbursed for expenses, no comp., Sec. 21-1-2 am'd.	
<b>H. 145</b>	10
Fiduciary accounts, investment of by banks and trust companies, alt.	
<b>S. 208</b>	14
State fiscal yr. alt., implementation period, approps. prorated during implementation period, Sec. 1-3-4 am'd.	
<b>S. 284</b>	35
Law enforcement officers, ambulance attendants, wastewater operators, training costs reimbursed where one governmental entity hires employees of another, Sec. 36-21-7 am'd.	
<b>S. 76</b>	24
Law enforcement officers, subsistence allow. to incl. corrections officers, Sec. 36-21-2 am'd.	
<b>S. 318</b>	19
Probate judges, certain retirees, authorized to participate in state employees' health insurance plan	
<b>S. 287</b>	38
Alabama Juvenile Justice Act, "delinquent act" defined, transfer of cert. cases to juvenile ct. and for child to withdraw from school, Secs. 12-15-1, 12-15-33, 12-15-65 am'd.	

Senator Windom offered the following substitute for the Resolution, SR 77, to-wit:

#### **SUBSTITUTE FOR SR 77**

**SR 77. SPECIAL ORDER CALENDAR.**

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the ninth legislative day of the 1991 Regular Session only:

Inst Id	Page
<b>S. 81</b>	22
Brandy, exempt from cert. labeling requirements, Secs. 28-3-1, 28-3-187.1 am'd.	
<b>S. 151</b>	19
Legal holidays, observance of alt., Sec. 1-3-8 am'd.	
<b>S. 111</b>	20
Home builders, licensure and regulation	
<b>S. 63</b>	2
Alcoholic beverages, Sunday sales auth., Sec. 28-3A-12, 28-3A-19, 28-3A-20, 28-3A-25 am'd.	
<b>S. 149</b>	2
Requires proof of minimum insurance coverage.	
<b>S. 414</b>	74
State agencies, electronic transfer of funds auth.	
<b>S. 1</b>	5
Hunting by nonresidents without licenses, penalty incr., Sec. 9-11-51 am'd.	
<b>S. 14</b>	11
Checkoff on st. income and franchise tax returns for indigent offender alcohol and drug treatment trust fund	
<b>S. 137</b>	26
Acts of Alabama, 1989 Sp. Sess. and 1990 Reg. Sess., codified	
<b>S. 43</b>	3
Regional reciprocal banking, acquisition of Al. bank holding company or an Al. bank by a regional bank holding company, Sec. 5-13A-3 am'd.	
<b>S. 28</b>	27
Hospices, licensing of, Secs. 22-21-20, 22-21-27 am'd	

<b>S. 58</b>	27
Respiratory Care Act estab., bd., license, fees	
<b>S. 40</b>	4
Municipalities and cos., auth. to assist each other and other cos. and muns. in disasters	
<b>S. 193</b>	13
University football coaches, auth. to participate in American Football Coaches Retirement Trust	
<b>S. 48</b>	24
Bar exam, cert. law school graduates, auth. to take, Sec. 34-3-2.1 am'd.	
<b>S. 389</b>	76
Children's Trust Fund, investment of trust fund money further reg., Sec. 26-16-30 am'd.	
<b>S. 51</b>	11
Institute for Deaf and Blind, surplus prop. auth. to be traded in on replacement prop. without public bid	
<b>S. 52</b>	12
Institute for Deaf and Blind, bd. of trustees, auth. to be reimbursed for expenses, no comp., Sec. 21-1-2 am'd.	
<b>H. 145</b>	10
Fiduciary accounts, investment of by banks and trust companies, alt.	
<b>S. 208</b>	14
State fiscal yr. alt., implementation period, approps. prorated during implementation period, Sec. 1-3-4 am'd.	
<b>S. 284</b>	35
Law enforcement officers, ambulance attendants, wastewater operators, training costs reimbursed where one governmental entity hires employees of another, Sec. 36-21-7 am'd.	
<b>S. 76</b>	24
Law enforcement officers, subsistence allow. to incl. corrections officers, Sec. 36-21-2 am'd.	



**S. 318** 19  
Probate judges, certain retirees, authorized to participate in  
state employees' health insurance plan

**S. 287** 38  
Alabama Juvenile Justice Act, "delinquent act" defined,  
transfer of cert. cases to juvenile ct. and for child to  
withdraw from school, Secs. 12-15-1, 12-15-33, 12-15-65  
am'd.

On motion of Senator Preuitt said substitute was laid on the table.

Yeas 25 Nays 2

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton,  
Dial, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford,  
Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuitt,  
Smith (B), and Smith (J) -25

Nays:

Senators:

Corbett and Windom - 2

Senator Windom then offered the following substitute No. 2, for  
the Resolution, SR 77, to-wit:

**SUBSTITUTE NO. 2 FOR SR 77**

**SR 77. SPECIAL ORDER CALENDAR.**

**RESOLVED BY THE SENATE** That the following bills in the  
order named shall be the paramount and continuing order of business  
taking precedence over all other matters upon reaching bills on third  
reading for the ninth legislative day of the 1991 Regular Session only:

Inst Id Page

**S. 81** 22  
Brandy, exempt from cert. labeling requirements, Secs.  
28-3-1, 28-3-187.1 am'd.

**S. 151** 19  
Legal holidays, observance of alt., Sec. 1-3-8 am'd.

<b>S. 111</b> Home builders, licensure and regulation	20
<b>S. 414</b> State agencies, electronic transfer of funds auth.	74
<b>S. 1</b> Hunting by nonresidents without licenses, penalty incr., Sec. 9-11-51 am'd.	5
<b>S. 14</b> Checkoff on st. income and franchise tax returns for indigent offender alcohol and drug treatment trust fund	11
<b>S. 137</b> Acts of Alabama, 1989 Sp. Sess. and 1990 Reg. Sess., codified	26
<b>S. 43</b> Regional reciprocal banking, acquisition of Al. bank holding company or an Al. bank by a regional bank holding company, Sec. 5-13A-3 am'd.	3
<b>S. 28</b> Hospices, licensing of, Secs. 22-21-20, 22-21-27 am'd	27
<b>S. 58</b> Respiratory Care Act estab., bd., license, fees	27
<b>S. 40</b> Municipalities and cos., auth. to assist each other and other cos. and muns. in disasters	4
<b>S. 193</b> University football coaches, auth. to participate in American Football Coaches Retirement Trust	13
<b>S. 48</b> Bar exam, cert. law school graduates, auth. to take, Sec. 34-3-2.1 am'd.	24
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**REGULAR SESSION**  
**9th Day**

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Law enforcement officers, ambulance attendants, wastewater operators, training costs reimbursed where one governmental entity hires employees of another, Sec. 36-21-7 am'd.	
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Law enforcement officers, subsistence allow. to incl. corrections officers, Sec. 36-21-2 am'd.	
<b>S. 318</b>	19
Probate judges, certain retirees, authorized to participate in state employees' health insurance plan	
<b>S. 287</b>	38
Alabama Juvenile Justice Act, "delinquent act" defined, transfer of cert. cases to juvenile ct. and for child to withdraw from school, Secs. 12-15-1, 12-15-33, 12-15-65 am'd.	

On motion of Senator Preuitt, said substitute No. 2 was laid on the table.

Yeas 21   Nays 6

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Dial, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Smith (B), and Smith (J)

-21

Nays:

Senators:

Bennett, Corbett, Denton, Lipscomb, Wilson, and Windom

- 6

And on motion of Senator Preuitt the Resolution was adopted by the Senate.

### REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Corbett:

**S. 437.** To authorize certain employers to purchase workers' compensation insurance with a deductible provision.

By Senator Foshee:

**S. 438.** To amend section 34-27-35 of the Code of Alabama 1975, which related to real estate salesmen and brokers' licenses so as to provide that the requirements for continuing education shall not apply to members of the Alabama Legislature.

By Rep. Dolbare:

**H. 466.** To amend Sections 24-7-2 and 24-7-3 of the Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to provide further for the appointment of members of the Authority and to provide further for the duties and powers of the Authority.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

**H. 376.** To provide further for the availability of indigent health

care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every nursing facility which has an agreement to participate in the Alabama medicaid program; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to require the timely payment by the Alabama medicaid agency of reimbursement due nursing facilities; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

By Rep. Harper:

**H. 377.** To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every disproportionate share hospital in the state; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to provide for reimbursement of certain costs incurred by disproportionate share hospitals; to require the timely payment by the Alabama medicaid agency of disproportionate share payments due hospitals; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

By Rep. Harper:

**H. 374.** To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every provider of pharmaceutical services, except hospital inpatient pharmacies or pharmacies owned or operated by the state of Alabama or an agency thereof; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to require the timely payment by the

Alabama medicaid agency of reimbursement due pharmaceutical providers; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

By Rep. Harper:

**H. 375.** To provide for the creation of the Alabama Health Care Trust Fund in the state treasury; to appropriate monies in the fund to the Alabama medicaid agency; to provide that monies in the fund shall not revert to the general fund but shall be carried forward into each succeeding fiscal year; and to limit the reduction of appropriations to the medicaid agency from the general fund.

Senator Preuitt, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senator Denton:

**S. 169.** To authorize county commissions to establish relief funds for the benefit of certain retired sheriffs.

By Senator Foshee:

**S. 187.** To amend Sections 27-40-1, 27-40-9, 27-40-12, and 27-40-15, Code of Alabama 1975, and to repeal Section 27-40-16 of the Code of Alabama 1975, relating to insurance premium finance companies so as to provide further for the regulation of such companies; to delete certain references to and authorization for designated agents; to provide for a maximum service charge; to require premium finance agreements to contain certain information; to substantially alter the procedure for return of gross unearned premiums upon cancellation of the insurance contract; to provide for time limits for the return of unearned premiums and to provide where the amount of premium financed shall be sent.

### **MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Surface Mining Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 14th day of May, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Charles Kitchens from Parrish, Alabama, to the Surface Mining Commission. Mr. Kitchens' term will expire June 30, 1996.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 14th day of May, 1991.

#### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Surface Mining Commission, was read and referred to the Standing Committee on Confirmations.

#### **MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Surface Mining Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 14th day of May, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Charles Gilbreath from Double Springs, Alabama, to the Surface Mining Commission. Mr. Gilbreath's term will expire June 30, 1996.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 14th day of May, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Surface Mining Commission, was read and referred to the Standing Committee on Confirmations.

### MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Thursday, May 16, 1991, at 11 o'clock A.M., which motion was adopted.

### RESOLUTIONS

Senators Mitchem, Dial, and Little offered the following Senate Joint Resolution, to-wit:

**SJR 78. RECOGNIZING THE FAMILIES OF ALABAMA'S MILITARY PERSONNEL WHO SERVED IN DESERT SHIELD/DESERT STORM, AND DESIGNATING A DAY OF TRIBUTE IN THEIR HONOR.**



WHEREAS, the Alabama Legislature, in recognizing the valor and sacrifice of Alabama's Desert Storm veterans, also recognizes the significant sacrifices of their families remaining at home, while their loved ones fought to regain and secure the precious gifts of freedom and hope seized by military might from the citizens and families of Kuwait; and

WHEREAS, in commendation of these families' selfless support of their loved ones in the Persian Gulf, it is the desire of the Legislature that public acknowledgment be made of their sacrifice and courage, and that such tribute be made in an appropriate manner of statewide significance; and

WHEREAS, many of Alabama's local governments, businesses, corporations and other organizations are cognizant as well of the emotional and financial deprivations suffered by these many families throughout our state, and it is anticipated that these groups also would wish to support and participate in an appropriate observance of recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in the State of Alabama, June 21, 1991, is hereby designated as a special day of honor and occasion of tribute to the families of Alabama's Desert Shield/Desert Storm service personnel who have served and are serving in the Persian Gulf.

BE IT FURTHER RESOLVED, That all county commissions and city and town councils in Alabama are prevailed upon to pass similar resolutions in support of this endeavor; that all Alabamians are urged to fly the American Flag on this special day; and that Alabama businesses, corporations and other organizations are encouraged to join in united support of said June 21, 1991, observance.

RESOLVED FURTHER, That this special day of tribute culminate with the Alabama Sports Festival IX "Take Pride in America Celebration" opening ceremonies on June 21, 1991, 7:00 p.m.-8:00 p.m., at the Birmingham-Jefferson County Civic Center.

On motion of Senator Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little, Dial, Smith (J), and Corbett offered the following Senate Joint Resolution, to-wit:

**SJR 79. MOURNING THE DEATH OF JUDGE JAMES A. AVARY OF LANETT, ALABAMA.**

WHEREAS, in abiding sorrow, the Legislature of Alabama records the lamentable and untimely death of James A. Avary, presiding judge of the 5th Judicial Circuit, on December 16, 1990, at the age of just 49 years; and

WHEREAS, Judge Avary, who grew up in Lanett, Chambers County, Alabama, received his bachelor's degree from Princeton University, and his law degree in 1967 from Emory University where he was executive director of the Emory University Law Review; and

WHEREAS, Judge Avary then joined the Atlanta law firm of Powell, Goldstein, Frazier, and Murphy, but returned home in 1970 to practice law, forming the law firm of Johnson and Avary; from 1976 until his death, he served as circuit judge in the 5th Judicial Circuit which covers Randolph, Macon and Chambers counties; and

WHEREAS, an astute legal scholar, Judge Avary was an outstandingly effective judge whose fair and just decisions, and his vast knowledge of law, earned him the highest regard and respect of his peers; as a dedicated public servant, he will be greatly missed, and his absence from among us has left a deep void in the legal community and in the hearts of his family and many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn, we give thanks for the life of Judge James A. Avary of Lanett, Alabama, and do further direct that a copy of this resolution be provided for his wife, Leewood Avary, his two daughters, and other family members that they may know of our concern for them, and that we sincerely share the sorrow of their great and grievous loss.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

**MOTIONS IN WRITING**

Senator Dial offered the following Motion in Writing, to-wit:

I move that the Bill, SB 97, on page 74 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, SB 97, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Floyd offered the following Motion in Writing, to-wit:

I move that the Bill, SB 300, on page 33 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, SB 300, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### REPORT FROM RULES

Senator Preuitt, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 128. INVITING GENERAL WILLIAM S. CHEN AND GENERAL JOHN S. PEPPERS TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.**

And on motion of Senator Preuitt, said Resolution, HJR 128, was concurred in and adopted by the Senate.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**S. 79.** To establish the requirements for informed consent for HIV testing; to provide that informed consent shall be implied under certain stated factual circumstances; to provide for counseling, referral to appropriate health care services, and explanation of individual responsibility shall be provided to any individual testing positive for HIV; and to provide for the confidentiality of HIV test results.

JIM PREUITT,  
Chairperson.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

**UNFINISHED BUSINESS****BILLS ON THIRD READING**

The Senate proceeded to consideration of the first item of Unfinished Business for today, which was the Bill:

**S. 115.** To create an Alabama Clearinghouse for State Publications within the Alabama Public Library Service and provide for its operations, duties and authority; to authorize reasonable rules and regulations; to provide for the creation of state publications depositories; and to repeal section 41-6-12, Code of Alabama 1975, which requires the printing of 250 additional copies of state publications for use by the Department of Archives and History.

And said Bill, SB 115, was read a third time at length and passed and ordered sent forthwith to the House.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-31

Nays:

- 0

**MOTIONS IN WRITING**

Senator Hilliard offered the following Motions in Writing, to-wit:

I move that the Bill, SB 422, on page 55 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, SB 130, on page 42 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, SB's 422 and 130, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### **BUDGET ISOLATION RESOLUTION**

Senator Little, B.I.R., SB 164, adopted.

Yeas 22   Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Figures, Floyd, Foshee, Hale, Hilliard, Langford, Lipscomb, Little, Mitchell, Parsons, Preuit, Smith (B), Waggoner, Wilson, and Windom -22

Nay: Senator Amari

- 1

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**S. 164.** To amend Act No. 90-624, H. 570, 1990 Regular Session, codified as Section 36-29-14, Code of Alabama 1975, which provides the procedure for officers, employees and retirees of certain cities, towns, fire districts, water and fire authority districts and the Alabama League of Municipalities to be covered under the state employees' health insurance plan, so as to include employees of regional planning and development commissions within the coverage.

was taken up.

The Standing Committee on Governmental Affairs/Local Government reported the following amendment to the Bill, SB 164, to-wit:

### **AMENDMENT TO SB 164**

Amend SB 164, on Page 2, Section 1, Line 23, as follows:

by striking the word "shall" and inserting in lieu thereof, the word "may"

Which was adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -29

Nays:

- 0

Senator Bailey requested and received unanimous consent to offer the following amendment to the Bill, SB 164, as amended, to-wit:

#### AMENDMENT TO SB 164, AS AMENDED

On page 1, on lines 16 and 30, after the word "commissions," insert the language:

and regional councils and area agencies on aging

On page 2, on line 4, after the language "1975," insert the following language:

regional councils and area agencies on aging

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Campbell, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), Waggoner, Wilson, and Windom -25

Nays:

- 0

And said Bill, SB 164, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Floyd, Foshee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Waggoner, and Windom  
-26

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 31, adopted.

Yeas 27 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Figures, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (J), Waggoner, Wilson, and Windom  
-27

Nay: Senator Amari

- 1

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 31.** To define certain terms; to provide for the imposition of civil liability without fault upon a performer who incites a spectator to cause injury or death to another person; to provide also for the imposition of civil liability on the promoter for said injury or death; and to establish a cause of action and for the recovery of damages.

was taken up.

Senator Preuitt requested and received unanimous consent to offer the following amendment to the Bill, SB 31, to-wit:

#### AMENDMENT TO SB 31

Amend SB 31 as follows:

On page 2, at line 27, after the period insert the following language:

The provisions of this act shall not apply to any sporting event.

Which was adopted.

Yeas 23 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, deGraffenried,  
Dial, Ellis, Floyd, Hale, Hilliard, Horn, Langford, Lipscomb, Little,  
Owens, Parsons, Preuitt, Sanders, Waggoner, Wilson, and  
Windom -23

Nay: Senator Corbett

- 1

And said Bill, SB 31, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 16 Nays 6

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, Denton, Ellis, Floyd, Foshee,  
Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, and  
Windom -16

Nays:

Senators:

Bailey, deGraffenried, Figures, Horn, Langford, and Sanders

- 6

### MOTIONS IN WRITING

Senator Campbell requested and received permission to suspend the Rules to offer the following Motion in Writing, to-wit:

### MOTION IN WRITING

Notice having been given on a previous Legislative Day, motion is hereby made to amend the Senate Rules as follows:

Amend Senate Rule 52 by adding section (c) as follows:

(c) In the event a local committee shall determine under the definition of Article IV, Section 110 of the Constitution of the State of Alabama that the bill assigned to that committee affects more than one



political subdivision, the chairperson of said committee shall request that the presiding officer reassign said bill to another committee dealing with the subject matter therein.

Which was read and referred to the Standing Committee on Rules.

Senator Owens requested and received permission to suspend the Rules to offer the following Motion in Writing, to-wit:

I move that the Bill, SB 105, on page 52 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, SB 105 referred to the Standing Committee on Rules for placement on the Consent Calendar.

### RESOLUTION

Senators Corbett, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom offered the following Senate Joint Resolution, to-wit:

**SJR 80. COMMENDING SARA FRANCES GROGAN CRUMPTON UPON RETIREMENT FROM STATE SERVICE, JULY 1, 1991.**

WHEREAS, the July 1, 1991, retirement of Sara Frances Grogan Crumpton of Montgomery brings to a close a distinguished tenure of 24 years and one month in service to the State of Alabama and, since October 1972, as executive secretary for the State Licensing Board for General Contractors; and

WHEREAS, Mrs. Crumpton, upon completion of college in the late forties, worked with the State Highway Department's accounting division for approximately two years and was later reemployed, in the mid-fifties, in the same position where she remained for some three additional years; and

WHEREAS, she also worked for the Alabama House of Representatives during the 1959 legislative session and, in 1960, was appointed executive secretary to Montgomery City Police Commissioner

L. B. Sullivan, during which employment period she was a volunteer worker with the George C. Wallace presidential gubernatorial campaigns; and

WHEREAS, Mrs. Crumpton, beginning in 1968, entered full-time employment with the Wallace for President Campaign and, also in that same year, became personal secretary to Governor Wallace, holding that position until October 1972 and her appointment as executive secretary to the State Licensing Board for General Contractors; and

WHEREAS, in addition to career responsibilities, however, Mrs. Crumpton was actively involved in numerous school, civic and other community affairs, including Parent-Teacher organizations, secretary to the Davis Elementary School PTO, Girl Scouts as a troop leader and citywide cookie chairman, American Heart Association fund-raising and local director for the Alabama Heart Association, and, for the past 15 years, has served the State Contractors' Licensing Agencies in such capacities as vice president, president of the national association, and as a member of the group's board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in commendation of distinguished service to the State of Alabama for 24 years and in active community leadership; we hereby express highest praise of Sara Frances Grogan Crumpton of Montgomery, Alabama, for whom a copy of this resolution shall be provided.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

#### BUDGET ISOLATION RESOLUTION

Senator Denton, B.I.R., SB 169, adopted.

Yeas 23    Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Ellis, Figures, Foshee, Ghee, Hale, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuit, Sanders, Smith (B), Smith (J), and Windom

-23

Nay: Senator Amari

- 1

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 169.** To authorize county commissions to establish relief funds for the benefit of certain retired sheriffs.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 3  
Abstaining 1

**Yeas:**

**Senators:**

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Mitchell, Owens, Preuit, Smith (B), Wilson, and Windom -22

**Nays:**

**Senators:**

Corbett, Dixon, and Little - 3

Abstaining: Senator Sanders - 1

**BILLS ON THIRD READING RESUMED**

Senator Mitchell requested and received permission to suspend the Rules in order to bring up the Bill:

**S. 151.** To amend Section 1-3-8 of the Code of Alabama 1975, relating to the legal holidays in this state, so as to provide further for such holidays; and to provide for personal leave days for state employees in lieu of certain holidays.

On motion of Senator Mitchell the Rules were suspended and further consideration of the Bill, SB 151, was postponed subject to the call of the Chair.

**MOTION IN WRITING**

Senator Bedsole offered the following Motion in Writing, to-wit:

I move that the Bill, SB 392, on page 64 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the

Senate ordered said Bill, SB 392, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., SB 187, adopted.

Yeas 23 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Smith (J), Wilson, and Windom -23

Nay: Senator Sanders

- 1

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 187.** To amend Sections 27-40-1, 27-40-9, 27-40-12, and 27-40-15, Code of Alabama 1975, and to repeal Section 27-40-16 of the Code of Alabama 1975, relating to insurance premium finance companies so as to provide further for the regulation of such companies; to delete certain references to and authorization for designated agents; to provide for a maximum service charge; to require premium finance agreements to contain certain information; to substantially alter the procedure for return of gross unearned premiums upon cancellation of the insurance contract; to provide for time limits for the return of unearned premiums and to provide where the amount of premium financed shall be sent.

was taken up.

The Standing Committee on Banking and Insurance reported the following amendment to the Bill, SB 187, to-wit:

#### AMENDMENT TO SB 187

Amend SB 187 as follows:

On page 6, line 21, after the word "by" insert the following:

or on behalf of

On page 6, line 24, after the "period" strike the following:

~~No insurance agent, insurance broker, managing general agent or any person employed by any of the aforementioned may be authorized or permitted to issue or sign any draft, check or other order of payment on behalf of such premium finance company unless the premium finance company is owned by or under the financial control of the agent, broker or managing general agent or an insurance agency operated by such agent broker or managing general agent. The premium finance company shall not make available any presigned check, draft or other order or form of payment to any insurance agent, insurance broker, managing general agent or other person.~~

On page 7, line 2, after the "period" insert the following:

Any check, draft or other order or form of payment to any insurance agent, insurance broker, managing general agent, or other person, when issued shall be conclusively presumed to have been issued by the duly authorized agent of the premium finance company which provided such checks or drafts to the person issuing the same.

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), and Windom -28

Nays:

- 0

Senator Bailey requested and received unanimous consent to offer the following amendment to the Bill, SB 187, as amended, to-wit:

**AMENDMENT TO SB 187**

Amend SB 187 Page 3 Line 16, as follows:

delete \$9 and insert \$12

Which was adopted.

Yeas 19 Nays 4

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Corbett, deGraffenried, Ellis, Foshee, Hale, Horn, Lindsey, Little, Owens, Preuitt, Sanders, Smith (B), Waggoner, Wilson, and Windom -19

Nays:

Senators:

Denton, Dixon, Floyd, and Ghee - 4

And said Bill, SB 187, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22 Nays 2

Yeas:

Senators:

Bailey, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Hilliard, Lindsey, Little, Mitchem, Owens, Parsons, Preuitt, Smith (B), Smith (J), Waggoner, and Windom -22

Nays:

Senators:

Floyd and Sanders - 2

### UNFINISHED BUSINESS

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

**S. 82.** To amend Sections 8-20-4, 8-20-5, 8-20-7, 8-20-9 and 8-20-11, Code of Alabama 1975, which relate to the Motor Vehicle Franchise Act, so as to provide further for unfair and deceptive trade practices, terminations and nonrenewals of franchise relationships, the warranty obligations to dealers and the amount of civil damages.

and pending Committee substitute, as amended, which said substitute and amendment are set out in the Journal of the Senate for the Eighth Legislative Day.

Senator Hale offered the following amendment No. 2, to the

substitute, as amended, for the Bill, SB 82, to-wit:

**AMENDMENT NO. 2 TO SUBSTITUTE FOR SB 82, AS AMENDED**

Amend the substitute, as amended, for SB 82 on Page 18, Line 30, by deleting the following:

"(c) With respect to new or used vehicles sold or otherwise transferred by the manufacturer to a new motor vehicle dealer, the manufacturer shall disclose in writing to the dealer, at the time of delivery of the new or used motor vehicle, the nature and extent of any and all damage and post-manufacturing repairs."  
and inserting in lieu thereof the following:

"With respect to new or used vehicles sold or otherwise transferred by the manufacturer to a new motor vehicle dealer, the manufacturer shall notify in writing the new motor vehicle dealer of all damage and repairs made to such vehicle which is known to the manufacturer."

Which was adopted.

And said substitute, as amended, was then adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Hale, Horn, Langford, Lindsey, Little, Owens, Parsons, Preuit, Sanders, Smith (B), Waggoner, Wilson, and Windom

-24

Nays:

- 0

And said Bill, SB 82, as amended by the substitute, as amended, was read a third time at length and passed and ordered sent forthwith to the House upon engrossment.

Yeas 26 Nays 1

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Preuit, Smith (B), Smith (J),

Waggoner, Wilson, and Windom -26

Nay: Senator Sanders - 1

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills delivered to the Governor with the date and hour of delivery, to-wit:

SB 110

Delivered to the Governor, May 14, 1991, at 3:30 P.M.

SB 79

Delivered to the Governor, May 14, 1991, at 4:00 P.M.

McDOWELL LEE,  
Secretary of Senate.

### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### ADJOURNMENT

At 5:55 P.M., on motion of Senator Parsons, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, May 16, 1991, at 11 o'clock A.M.



## **TENTH LEGISLATIVE DAY**

**THURSDAY, MAY 16, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Francis Butler, Pastor, St. John the Baptist Catholic Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Brent Capell, Sidney Lanier High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senator Amari for today.

**BILLS RE-REFERRED**

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the Bills, SB's 468 and 469, and ordered same returned to the Senate with the recommendation that they be re-referred to another committee.

And the President and Presiding Officer of the Senate ordered said Bills, SB's 468 and 469, re-referred to the Standing Committee on Local Legislation No. 2.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills and finds same correctly engrossed, to-wit:

**S. 31.** To define certain terms; to provide for the imposition of civil liability without fault upon a performer who incites a spectator to cause injury or death to another person; to provide also for the imposition of civil liability on the promoter for said injury or death; and to establish a cause of action and for the recovery of damages.

Also:

**S. 82.** To amend Sections 8-20-4, 8-20-5, 8-20-7 and 8-20-9, Code of Alabama 1975, which relate to the Motor Vehicle Franchise

Act, so as to provide further for unfair and deceptive trade practices, terminations and nonrenewals of franchise relationships, and the warranty obligations to dealers.

Also:

**S. 187.** To amend Sections 27-40-1, 27-40-9, 27-40-12, and 27-40-15, Code of Alabama 1975, and to repeal Section 27-40-16 of the Code of Alabama 1975, relating to insurance premium finance companies so as to provide further for the regulation of such companies; to delete certain references to and authorization for designated agents; to provide for a maximum service charge; to require premium finance agreements to contain certain information; to substantially alter the procedure for return of gross unearned premiums upon cancellation of the insurance contract; to provide for time limits for the return of unearned premiums and to provide where the amount of premium financed shall be sent.

JIM PREUITT,  
Chairperson.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 164.** To amend Act No. 90-624, H. 570, 1990 Regular Session, codified as Section 36-29-14, Code of Alabama 1975, which provides the procedure for officers, employees and retirees of certain cities, towns, fire districts, water and fire authority districts and the Alabama League of Municipalities to be covered under the state employees' health insurance plan, so as to include employees of regional planning and development commissions, and regional councils and area agencies on aging within the coverage.

JIM PREUITT,  
Chairperson.

#### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Campbell:

**S. 494.** To appropriate annually interest accumulated on funds received from the sale of the Courtland airbase, held on deposit in a fund of the state aeronautics department, to the Lawrence County Industrial Development Board--George C. Wallace Airport Authority.

Committee on Economic Affairs

By Senator Mitchell:

**S. 495.** Relating to the issuance of permits by the board of dental examiners to administer general anesthesia pursuant to chapter 9, Title 34, Code of Alabama 1975; to amend Sections 34-9-63 and 34-9-64, Code of Alabama 1975, so as to provide further for the requirements and privileges of the issuance of such permits and for the practice of parenteral sedation on and after August 1, 1991.

Committee on Health

By Senator Bedsole:

**S. 496.** To amend Sections 11-98-1, 11-98-2, 11-98-4, 11-98-5 and 11-98-6, Code of Alabama 1975, relating to emergency telephone service, so as to provide further for procedures relating to the creation of communications districts; to prescribe the corporate structure and organization of such districts, including their corporate powers; and to provide that such districts may receive certain property and make certain expenditures.

Committee on Governmental  
Affairs/Local Government

By Senator Campbell:

**S. 497.** To amend Sections 36-16-8 and 41-1-6 of the Code of Alabama 1975, which provides for the inventory of state property, so as to provide further for such inventory.

Committee on Governmental  
Affairs/State Administration

By Senator Smith (J) (With Notice and Proof):

**S. 498.** Relating to Limestone County; so as to further provide

for an additional expense allowance and expiration date therefor and the sheriff's compensation, in the next term of office for sheriff.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 498, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bedsole (With Notice and Proof):

**S. 499.** Relating to Mobile County; amending Act No. 87-663, S. 498, 1987 Regular Session (Acts 1987, p. 1172), which provides for the acceptance of certain unimproved roads and regulates the construction of certain other unimproved roads, so as to provide further for the construction of certain roads; and providing additional exemptions there-to.

Committee on Local  
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 499, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bedsole:

**S. 500.** To permit the state youth services director to appoint or employ police officers to protect the Alabama department of youth services and its facilities.

Committee on Finance  
and Taxation

By Senator Foshee:

**S. 501.** Relating to community development districts; to define and provide for the establishment of community development districts; and to prescribe the method by which alcoholic beverages may be lawfully sold within such districts.

Committee on Economic Affairs

By Senator Langford (With Notice and Proof):

**S. 502.** Relating to Montgomery County; providing further for the compensation of the tax assessor and tax collector.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 502, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Langford (With Notice and Proof):

**S. 503.** Relating to the County of Montgomery and the City of Montgomery in Montgomery County; to amend Sections 1 and 2 of Act No. 2280 of the 1971 Regular Session (Acts 1971, p. 3671), relating to creating and establishing a county-wide personnel system so as to increase the number of members on the personnel board, to provide for the selection of said members and to provide further for a board hearing when disciplinary action involves 14 days or more suspension.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 503, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Langford (With Notice and Proof):

**S. 504.** Relating to the City of Montgomery in Montgomery County; to amend Sections 5 and 6 of Act No. 75-756, S. 861 1975 Regular Session (Acts 1975, p. 1528), which establishes the Employees' Retirement System of the City of Montgomery, so as to provide for cost-of-living increases, to provide further for the election of the board of trustees and to provide for an increase in the percentage of the service retirement allowance.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 504, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Langford:

**S. 505.** To amend Section 37-3-32 of the Code of Alabama 1975, relating to motor carrier fees paid to the public service commission, so as to provide further for such fees.

Committee on Commerce,  
Transportation, and Utilities

By Senator Waggoner:

**S. 506.** To require the State Department of Education of Alabama to implement into its public health education program for required use in public school systems instruction which emphasizes sexual restraint and the dangers and harm of using illegal drugs; to declare the findings and purpose of the Alabama Legislature regarding specific health problems of school children; to state the minimum requirements of the contents to be required in such public health education program; and to establish standards of conduct which prohibit illegal drug use for employees and children within the schools.

Committee On Education

By Senator Corbett:

**S. 507.** To levy a bond issuance fee on the sale of all industrial development bonds, including those issued by medical clinic boards; to provide for the collection, distribution and use of the proceeds of such fee; to prescribe penalties and fixing punishment for violation of this act; to provide for enforcement of this act by the state department of revenue; to provide for the creation of the Treasurer's Small Business Economic Development Fund and to provide for the implementation of this act.

Committee on Economic Affairs

By Senator Langford:

**S. 508.** To provide further for the investment of the public employees' individual retirement account fund; and to amend Section

36-27A-4 of the Code of Alabama 1975.

Committee on Finance  
and Taxation

By Senator Little:

**S. 509.** To provide for criminal penalties for violation of a restraining or protection order issued pursuant to the Protection From Abuse Act, sections 30-5-1 through 30-5-11, Code of Alabama 1975, petition or any domestic relations or family violence cases and to provide for immunity.

Committee On Judiciary/Criminal  
Justice And Public Safety

By Senator Hale:

**S. 510.** To amend Section 37-1-11 of the Code of Alabama 1975, relating to compensation of the public service commissioners, so as to update said code section in order to include current salaries received by such commissioners; to provide for a method of periodically reviewing the salaries of the public service commissioners by the state personnel department; to provide for a recommendation by the personnel department to the governor concerning said commissioners' salaries; to provide for either an approval or disapproval of a salary increase as determined by the governor; to provide for terminating a \$670.00 per month expense allowance and in lieu thereof increasing the salary of the commissioners \$670.00 per month on different, future effective dates.

Committee On Public Welfare

By Senator Bailey:

**S. 511.** Relating to the licensing and bonding of dealers in agricultural products; to define dealers, products, commissioner, producers, and persons; to exempt certain persons from the provisions of this bill; to require that a dealer in agricultural products be licensed and said license shall cost from \$50 to \$200; to require that dealers be bonded or have a bond equivalent in amounts of not less than \$1,000 to \$50,000; to provide for denying, suspending or revoking a dealer license; to provide for hearing after there has been a denial, suspension or revocation of a license and to also provide for appealing orders rendered pursuant to a hearing; to provide for payment of agricultural products purchased within five days after an accounting or a receipt has



been issued; to provide for the keeping of records and for inspection of sale and the inspection of produce purchased; to make the violation of this bill a class "C" misdemeanor and granting the Commissioner the powers of a peace officer in the enforcement of said bill; to provide for injunctive relief; to expressly repeal Chapter 29 of Title 2 providing for the permitting and bonding of farm product commission merchants.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Lindsey:

**S. 512.** To amend §36-27-23 of the Code of Alabama 1975, relating to the Employees' Retirement System of Alabama so as to provide for representation thereon for members of local units, to prescribe a method for their election and to provide for their terms of office.

Committee on Finance  
and Taxation

By Senator Foshee:

**S. 513.** To provide for and establish investigators for the Office of the Attorney General; and to provide for the hiring, salaries, expenses, authority and duties of such investigators.

Committee on Finance  
and Taxation

By Senator Foshee:

**S. 514.** To establish a procedure for regulating and monitoring the payment of private attorneys rendering legal services to the State of Alabama and for governing the method of their compensation.

Committee on Finance  
and Taxation

By Senator Figures:

**S. 515.** To prohibit the refusal to license a person, who has learned a trade or profession while in prison, solely on the ground that he has been convicted of a crime.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Horn:

**S. 516.** To permit the Alabama Youth Services Board to expend funds relating to juvenile probation officers' subsidies as appropriated in Section 2C of Act No. 90-764, H. 181, Regular Session 1990 (Acts 1990, p. 1475, et seq.).

Committee on Finance  
and Taxation

By Senators Parsons, Hilliard, Floyd, Sanders, Lindsey, Ghee, Waggoner, and Figures:

**S. 517.** Relating to unemployment compensation payments, so as to provide that any person who receives such payments shall receive a literacy incentive bonus of \$250.00 if such person completes his or her GED (general educational development) or high school equivalency certificate.

Committee on Finance  
and Taxation

By Senators Parsons, Floyd, Sanders, and Figures:

**S. 518.** To provide that public school teachers teaching kindergarten through the third grade who visit the home of each student in said teacher's class or classes shall be entitled to a salary bonus, to require local boards of education to promulgate rules to implement this act and to provide certain funds be appropriated to fund said bonuses.

Committee on Finance  
and Taxation

By Senator Bailey:

**S. 519.** Relating to certain facilities used for detention and shelter care of children: to amend Section 12-15-61, Code of Alabama 1975, so as to provide further for such detention and shelter care and to provide for subsidy by the state of certain costs thereof, effective October 1, 1991.

Committee on Governmental  
Affairs/State Administration

#### **FURTHER CONSIDERATION OF SB 367**

The Senate proceeded to further consideration of the Bill:

**S. 367.** To amend Sections 24-7-2 and 24-7-3 of the Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to provide further for the appointment of members of the Authority and to provide further for the duties and powers of the Authority.

having been postponed on the Eighth Legislative Day was taken up.

Senator Lindsey requested and received unanimous consent to bring up the Bill:

**H. 466.** To amend Sections 24-7-2 and 24-7-3 of the Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to provide further for the appointment of members of the Authority and to provide further for the duties and powers of the Authority.

in place of the Bill, SB 367.

#### BUDGET ISOLATION RESOLUTION

Senator Lindsey, B.I.R., HB 466, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Wilson, and Windom -22

Nays:

- 0

And said Bill, HB 466, was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Waggoner, Wilson, and Windom -28

Nays:

- 0

On motion of Senator Lindsey, further consideration of the Bill, SB 367, was indefinitely postponed.

## RESOLUTION

Senators Foshee, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 81. RENAMING THE "STATE OFFICE BUILDING"  
THE "LURLEEN B. WALLACE OFFICE BUILDING."**

WHEREAS, Lurleen B. Wallace served as First Lady of the State of Alabama during the period of 1963-1967 and rendered distinguished service as Governor of the State of Alabama during the period 1967-1968, succumbing in office to cancer; and

WHEREAS, Governor Lurleen B. Wallace was much beloved by the people of the State; and

WHEREAS, Governor Lurleen B. Wallace, during her tenure as First Lady and later as Governor, manifested her concern for the health and well-being of all citizens of the state; and

WHEREAS, the cause of Governor Lurleen B. Wallace's death continues today as a major public health concern in Alabama as in every other state; and

WHEREAS, the official state public health agency and the Alabama Department of Public Health will be the sole occupants of the office building now known as the "State Office Building" which is located at 501 Dexter Avenue, Montgomery, Alabama; and

WHEREAS, the said "State Office Building" is to be renovated in accordance with Act No. 90-602; and

WHEREAS, there exists a need to identify the renovated "State Office Building" by a name distinguishable from other office buildings in the capitol complex; and

WHEREAS, it is appropriate and proper that because of the nature of the public health work performed in the newly renovated building, the said building should honor the memory of Governor Lurleen B. Wallace

by bearing her name; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That in honor of Governor Lurleen B. Wallace, the State of Alabama hereby names and designates the "State Office Building" as the "Lurleen B. Wallace Office Building."

**BE IT FURTHER RESOLVED,** That a copy of this resolution be sent to former Governor George C. Wallace and Family.

On motion of Senator Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

### **MOTION IN WRITING**

Senator Langford offered the following Motion in Writing, to-wit:

I move that the Bill, SB 318, on page 19 of the Tenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, SB 318, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### **RESOLUTION**

Senators Mitchem and Little requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 82. RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.**

**WHEREAS,** junior college athletics started in Alabama in 1891; and

**WHEREAS,** the Alabama Junior College Athletic Hall of Fame was established in 1989 to recognize outstanding contributions to athletics in Alabama; and

**WHEREAS,** the Class of 1991 has been duly elected; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby congratu-

late and recognize the Alabama Junior College Athletic Hall of Fame Class of 1991.

**BE IT FURTHER RESOLVED**, That each of the following 1991 Alabama Junior College Athletic Hall of Fame inductees shall receive a copy of this resolution: James William Armstrong, Jefferson State Community College; Maxie Gene Boles, Central Alabama Community College; Willie Dee Edison, Southern Union State Junior College; John Gary Oppert, Wallace State Community College, Dothan; Randy Duane Putman, Jefferson State Community College; and Jerome Walton, Enterprise State Junior College.

On motion of Senator Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 128. INVITING GENERAL WILLIAM S. CHEN AND GENERAL JOHN S. PEPPERS TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.**

GREG PAPPAS,  
Assistant Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### **RECESS**

At 11:35 A.M., on motion of Senator deGraffenried, the Senate took a recess until 11:45 A.M.

The recess period having expired, at 11:45 A.M., the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Sen-

ate was present.

### REPORT FROM RULES

Senator Preuitt, Chairperson of the Standing Committee on Rules, reported that the following Bills have been returned to the end of the Regular Order Calendar for today, to-wit:

By Senator Dial:

**S. 97.** To authorize the state department of human resources by and through its commissioner, to enter into interstate adoption assistance compacts to provide for medical and other necessary services for special needs children; to provide procedures for interstate adoption assistance payments, including medical payments; and to provide a penalty for the false or fraudulent submission of any claim for payment or reimbursement for services.

By Senator Floyd:

**S. 300.** To provide that probate record files be consolidated into one well-bound record book.

By Senator Hilliard:

**S. 422.** To authorize and provide the procedure for members of the legislature to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for members of the legislature and their dependents; to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

By Senator Hilliard:

**S. 130.** To amend Section 14-9-41 of the Code of Alabama 1975, which relates to computation of incentive time deductions, so as to allow an inmate who has been sentenced to a term of 15 years or less in the state penitentiary to earn correctional incentive time in accordance with the other provisions of this section.

By Senator Owens:

**S. 105.** To amend Sections 40-1-33, 40-12-390, 40-12-391, 40-12-392, 40-12-394, 40-12-396, 40-12-398 and 40-12-414, Code of Alabama 1975, relating to automotive vehicle dealers, so as to exclude certain license information from general confidentiality provisions, provide further for revocation and denial of licenses, define certain terms,

provide further for requiring certain business licenses, increase the surety bonds, increase the penalty for noncompliance, authorize the revenue department to promulgate rules and regulations and to repeal Section 40-12-52, Code of Alabama 1975, which requires a privilege license for automobile salesmen.

By Senators Bedsole, Waggoner, and Dixon:

**S. 392.** To amend Section 22-20-3, Code of Alabama 1975, which provides for neonatal testing for certain diseases, so as to authorize certain other tests and the collection of a fee for the newborn screening program.

By Senator Denton:

**S. 142.** Providing for the permitting and regulation of persons, firms, associations and corporations engaged in the alarm systems business in this state under the regulatory authority of the state fire marshal; authorizing the state fire marshal to prescribe fees for certain permits and identification cards related to such business; prescribing penalties for enforcement and providing procedures for the administration of this act.

By Senator Denton:

**S. 281.** Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1992, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

By Senator Corbett:

**S. 7.** To amend Section 11-45-9.1, Code of Alabama 1975, which relates to the issuance of a summons and complaint by municipalities for violations of certain ordinances, so as to provide further for such violations.

By Senator Corbett:

**S. 9.** To amend section 40-6A-2, Code of Alabama 1975, relating to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this



state, so as to add chief appraisers to the list of officials and to redefine "other persons charged with assessing and collecting" as "other officials whose primary duty is appraising, assessing and/or collecting"; to provide that the minimum salaries of chief appraisers be 85 percent of the tax assessor or revenue commissioner salary, in the county where the chief appraiser is employed; and to provide an effective date.

By Senators Foshee, Waggoner, Amari, and Preuit:

**S. 303.** To amend Section 27-30-34, Code of Alabama 1975, to require the use of currently approved actuarial tables for establishing reserves for policies and contracts of insurance issued by mutual aid associations, either before or after the effective date of this act, when such policies or contracts of insurance are in conformity with the provisions of the Alabama Standard Valuation Law and the Alabama Standard Non-Forfeiture Law for domestic life insurers.

By Senator Bailey:

**S. 2.** To further provide for certain unclaimed personal property; to amend Sections 35-11-170, 35-11-171 and 35-12-6, Code of Alabama 1975, as amended, relating to certain unclaimed personal articles, goods and clothing so as to include altered goods and apparel; and to provide for notice.

By Senator Little:

**S. 117.** To authorize municipalities to contract with utility companies to collect utility bill payments.

By Senator Bedsole:

**S. 50.** To reopen the Employees' Retirement Systems of Alabama in order to allow certain active and contributing members previously employed by the Mobile Police Department to claim and purchase credit for prior service; to provide manner of claiming creditable service; and to provide for its termination.

By Senator Bedsole:

**S. 65.** To amend Section 41-9-63, Code of Alabama 1975, relating to claims presented to the board of adjustment, so as to allow the board of adjustment to adopt its own procedures as to the methods of presenting said claims to the board in the event the claimant is unable to appear at the board; and to provide that the state shall not be required to

provide transportation for anyone to appear before the board.

By Senators Hale, Dixon, Lipscomb, and Ellis:

**S. 124.** To authorize the board of pardons and paroles to appoint outside of the merit system former board members or retired probation and parole officers to serve as special hearing examiners from time to time; to define the powers and duties of special hearing examiners; to provide for reimbursement of certain expenses of special hearing examiners; and to provide immunity from civil actions for performance of duty as special hearing examiners.

By Senator Mitchell:

**S. 345.** To authorize the legislative council to employ technical assistants including legal counsel in certain instances and to provide for the manner of compensating said persons.

By Senator Mitchell:

**S. 338.** To reopen the Employees' Retirement System of Alabama to permit contributing state employees who worked for the Alabama State Council on the Arts to purchase retirement credit for their years of service.

By Senator Windom:

**S. 94.** To amend Section 17-9-4, Code of Alabama 1975, which relates to the placement and provision of voting machines in voting places for elections; so as to allow the probate judge to provide for fewer voting machines, subject to the review of the circuit court, if petitioned.

By Senators Windom and Smith (J):

**S. 95.** To further provide for school attendance standards and the operation of motor vehicles by certain students; to provide for certain exceptions; to provide that the state board of education and each local school system shall develop and distribute guidelines and information to affected parties; and to provide for the conditions to revoke or deny certain students the privilege of operating a motor vehicle; to provide a citation for the act which this bill becomes; and to provide an effective date.

By Senator Bennett:

**S. 297.** To amend Section 13A-7-29 of the Code of Alabama

1975, relating to the crime of criminal littering so as to provide further for punishment.

By Senator Bennett:

**S. 302.** To create the Catastrophic Trust Fund for Special Education to be administered by the State Department of Education for the purpose of assisting local education agencies in providing special education services to children in catastrophic cases.

By Senators Bailey, Parsons, and Hale:

**S. 96.** To amend Sections 7-1-201, 8-25-1 and 8-25-3, Code of Alabama 1975, relating to rental-purchase agreements and the Alabama Uniform Commercial Code, so as to exclude such agreements from coverage of the Alabama Uniform Commercial Code provisions relating to security interests and to authorize certain practices by rental-purchase merchants.

By Senators Bailey and Dial:

**S. 90.** To extensively revise the current Child Labor Laws relating to employment and the safety, health and welfare of persons 17 years of age and younger in the workplace; to update the state statutes to conform to the Federal Child Labor Standards Act, as revised; to repeal conflicting laws and specifically Sections 25-8-1 through 25-8-31, Code of Alabama 1975, as amending the current Child Labor Laws; and to retain certain misdemeanor criminal penalties for violations.

Which was read and filed with the Secretary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 466.** To amend Sections 24-7-2 and 24-7-3 of the Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to provide further for the appointment of members of the Authority and to provide further for the duties and powers of the Authority.

GREG PAPPAS,  
Assistant Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 83. SPECIAL ORDER CALENDAR.**

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the tenth legislative day of the 1991 Regular Session only:

Inst Id	Page
<b>H. 374</b>	79
Prescription drugs, tax levied, used to match fed. funds. for Medicaid	
<b>H. 375</b>	80
Health Care Trust Fund estab., taxes on cert. medical services to fund, used to match fed. funds for Medicaid	
<b>H. 376</b>	77
Nursing homes, tax levied on, used to match fed. funds for Medicaid	
<b>H. 377</b>	78
Hospital beds, tax levied on, used to match fed. funds, for Medicaid	
<b>S. 130</b>	82
Prisons, good-time deductions alt., Sec. 14-9-41 am'd.	
<b>S. 111</b>	20
Home builders, licensure and regulation	

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<b>S. 81</b>	22
Brandy, exempt from cert. labeling requirements, Secs. 28-3-1, 28-3-187.1 am'd.	
<b>S. 414</b>	70
State agencies, electronic transfer of funds auth.	
<b>S. 58</b>	27
Respiratory Care Act estab., bd., license, fees	
<b>S. 96</b>	83
Rental-purchase agreements, exempt from UCC security interest definition, Secs. 7-1-201, 8-25-1, 8-25-3 am'd.	
<b>S. 1</b>	4
Hunting by nonresidents without licenses, penalty incr., Sec. 9-11-51 am'd.	
<b>S. 132</b>	58
Emergency Medical Services Act, st. bd. of health to admin., statewide system estab., Secs. 22-18-1 through 22-18-7 repealed	
<b>S. 40</b>	3
Municipalities and cos., auth. to assist each other and other cos. and muns. in disasters	
<b>S. 333</b>	47
Duty of care owed persons on premises for sporting or recreational activities further defined, Secs. 35-15-1, 35-15-2, 35-15-3 am'd.	
<b>S. 309</b>	28
Clean Indoor Air Act estab., smoking prohib. in cert. places	
<b>S. 193</b>	12
University football coaches, auth. to participate in American Football Coaches Retirement Trust	
<b>S. 14</b>	11
Checkoff on st. income and franchise tax returns for indigent offender alcohol and drug treatment trust fund	
<b>S. 51</b>	11
Institute for Deaf and Blind, surplus prop. auth. to be traded	

in on replacement prop. without public bid

**S. 284** 35

Law enforcement officers, ambulance attendants, wastewater operators, training costs reimbursed where one governmental entity hires employees of another, Sec. 36-21-7 am'd.

**H. 145** 10

Fiduciary accounts, investment of by banks and trust companies, alt.

**S. 97** 82

Interstate Compact on Adoptions and Medical Assistance, Human Resources Dept. auth. to join, uniform procedures for administering medicaid benefits to adopted children across st. lines

**S. 105** 82

Automobile dealers, licensing of alt., Secs. 40-1-33, 40-12-390, 40-12-391, 40-12-392, 40-12-394, 40-12-396, 40-12-398, 40-12-414 am'd.; Sec. 40-12-52 repealed

**S. 124** 82

Special hearing officers, appt. by Pardons and Paroles Bd.

**S. 300** 82

Probate judge, auth. to consolidate record files into one record book

**S. 94** 83

Elections, election commission auth. to reduce number of voting machines subject to cir. ct. review, Sec. 17-9-4 am'd.

**S. 9** 82

Taxation, chief appraisers, comp., Sec. 40-6A-2 am'd.

On motion of Senator Preuitt, the Resolution was adopted by the Senate.

### BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 374, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Smith (J), Waggoner, and Wilson -26

Nays:

- 0

**SPECIAL ORDER CALENDAR  
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

**H. 374.** To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every provider of pharmaceutical services, except hospital inpatient pharmacies or pharmacies owned or operated by the state of Alabama or an agency thereof; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to require the timely payment by the Alabama medicaid agency of reimbursement due pharmaceutical providers; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

was read a third time at length and passed.

Yeas 27 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuit, Sanders, Smith (J), Wilson, and Windom -27

Nay: Senator Corbett

- 1

**BUDGET ISOLATION RESOLUTION**

Senator Horn, B.I.R., HB 375, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 375.** To provide for the creation of the Alabama Health Care Trust Fund in the state treasury; to appropriate monies in the fund to the Alabama medicaid agency; to provide that monies in the fund shall not revert to the general fund but shall be carried forward into each succeeding fiscal year; and to limit the reduction of appropriations to the medicaid agency from the general fund.

was read a third time at length and passed.

Yeas 30 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -30

Nay: Senator Corbett

- 1

**BUDGET ISOLATION RESOLUTION**

Senator Horn, B.I.R., HB 376, adopted.

Yeas 25 Nays 3

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Mitchell, Mitchem, Owens, Preuitt, Sanders, Smith (B), Smith (J), Wilson, and Windom -25

Nays:

Senators:

Dixon, Little, and Parsons

- 3



**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**H. 376.** To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every nursing facility which has an agreement to participate in the Alabama medicaid program; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to require the timely payment by the Alabama medicaid agency of reimbursement due nursing facilities; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

was read a third time at length and passed.

Yeas 27 Nays 4

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Figures, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuitt, Sanders, Smith (B), Smith (J), Wilson, and Windom  
-27

Nays:

Senators:

Corbett, Dixon, Floyd, and Parsons  
- 4

**BUDGET ISOLATION RESOLUTION**

Senator Horn, B.I.R., HB 377, adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-29

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**H. 377.** To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every disproportionate share hospital in the state; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to provide for reimbursement of certain costs incurred by disproportionate share hospitals; to require the timely payment by the Alabama medicaid agency of disproportionate share payments due hospitals; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

was read a third time at length and passed.

Yeas 29 Nays 3

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -29

Nays:

Senators:

Corbett, Floyd, and Parsons

- 3

**BUDGET ISOLATION RESOLUTION**

Senator Hilliard, B.I.R., SB 130, adopted.

Yeas 22 Nays 6

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Hale, Hilliard, Langford, Lipscomb, Little, Owens, Preuitt, Sanders, Smith (B), Waggoner, and Wilson -22

Nays:

Senators:

Bailey, Dixon, Mitchem, Parsons, Smith (J), and Windom

- 6

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 130.** To amend Section 14-9-41 of the Code of Alabama 1975, which relates to computation of incentive time deductions, so as to allow an inmate who has been sentenced to a term of 15 years or less in the state penitentiary to earn correctional incentive time in accordance with the other provisions of this section.

was taken up.

The Standing Committee on Judiciary/Criminal Justice and Public Safety reported the following amendment to the Bill, SB 130, to-wit:

**AMENDMENT TO SB 130**

Amend SB 130, on Page 3, Line 27, as follows:

Strike the words "more than 15 year" and insert in lieu thereof the words "20 years".

Which was adopted.

Yeas 15 Nays 11

Yeas:

Senators:

Barron, Bennett, Bolling, Corbett, Denton, Figures, Floyd, Foshee, Ghee, Hilliard, Langford, Lindsey, Owens, Preuitt, and Smith (B) -15

Nays:

Senators:

Bailey, Dixon, Ellis, Hale, Lipscomb, Little, Mitchell, Mitchem, Parsons, Smith (J), and Windom -11

And said Bill, SB 130, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18 Nays 12

Yeas:

Senators:

Barron, Bennett, Campbell, Corbett, deGraffenried, Denton, Figures, Floyd, Foshee, Ghee, Hilliard, Langford, Lindsey, Little, Owens, Preuitt, Sanders, and Smith (B) -18

Nays:

Senators:

Bailey, Bolling, Dixon, Ellis, Hale, Lipscomb, Mitchell, Mitchem, Parsons, Smith (J), Waggoner, and Windom -12

### RESOLUTION

Senator Little requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 84. COMMENDING DWIGHT CARLISLE OF ALEXANDER CITY FOR DISTINGUISHED SERVICE AS PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE RUSSELL CORPORATION.**

WHEREAS, in noting with regret the resignation of Dwight Carlisle of Alexander City as President and Chief Executive Officer since 1988 of the Russell Corporation, the Legislature of Alabama also notes with highest commendation his valued and on-going contributions to the corporation since 1956 and its Board of Directors since 1975; and

WHEREAS, Mr. Carlisle has held a number of key managerial positions during his notable career, including Vice President and Executive Vice President, Manufacturing; and President and Chief Operating Officer of Russell Corporation from 1982 until 1988; and

WHEREAS, a native of Alexander City and graduate of Auburn University with a degree in Textile Manufacturing, Mr. Carlisle not only has rendered invaluable service to Russell Corporation, but has provided outstanding leadership to the textile industry and community as past president of the Alabama Textile Manufacturers Association and the Alabama Textile Education Association, and as a member of the Auburn University Alumni Engineering Council, Auburn Advisory Council for the School of Business, Auburn University Textile School Blue Ribbon Committee and the Alexander City Area Chamber of Commerce; and

WHEREAS, he further has served as Vice Chairman of National Knitwear Manufacturers Association and as a member of the boards of such organizations as First National Bank of Alexander City; Russell

Hospital, Alexander City; American Textile Manufacturers Institute; Alabama Business Council; Economic Education Council; and Textile Hall; and

WHEREAS, Dwight Carlisle has indeed rendered invaluable service to the Russell Corporation, the textile industry and community, and he is to be most sincerely praised for the many accomplishments of his career and his impact to the good and well-being of the Alexander City area and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, we hereby commend Dwight Carlisle of Alexander City, Alabama, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

#### BUDGET ISOLATION RESOLUTION

Senator Mitchem, B.I.R., SB 111, adopted.

Yeas 24 Nays 2

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Waggoner, and Windom -24

Nays:

Senators:

Parsons and Sanders

- 2

#### BILLS ON THIRD READING RESUMED

##### THE BILL:

**S. 111.** To provide for licensure and regulation of the home building industry; to provide for examination and issuance of licenses; to provide for the Home Builders Licensure Board; to provide for licensing fees and penalties for violations; to authorize said board to prescribe administrative rules and regulations; to provide for revocation of licenses; to prescribe appellate procedure for board decisions and to exempt certain persons and entities from this act.

was taken up.

The Standing Committee on Business and Labor Relations reported the following substitute for the Bill, SB 111, to-wit:

**SUBSTITUTE FOR SB 111**

**A B I L L  
T O B E E N T I T L E D  
A N A C T**

To provide for licensure and regulation of the home building industry; to provide for examination and issuance of licenses; to provide for the Home Builders Licensure Board; to provide for licensing fees and penalties for violations; to authorize said board to prescribe administrative rules and regulations; to provide for revocation of licenses; to prescribe appellate procedure for board decisions and to exempt certain persons and entities from this act.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. Background and Legislative Intent. In the interest of the public health, safety, welfare, consumer protection and to regulate the home building and private dwelling construction industry, the purpose of this act, and the intent of the legislature in passing it, is to provide for the licensure of those persons who engage in home building and private dwelling construction including remodeling in the state of Alabama. The legislature recognizes that the home building and home improvement construction industries are significant industries in this state. Home builders may pose significant harm to the public when unqualified, incompetent or dishonest home building contractors and remodelers provide inadequate, unsafe, unstable, shoddy or inferior building services. The legislature finds it necessary in the interest of the public health, safety and welfare to regulate the home building and remodeling construction industries and to establish a recovery fund.

**Section 2. Definitions. As used in this act:**

"Building Contractor" means the person who is qualified for and responsible for the construction of the entire home or private dwelling project contracted for, and means, the person who, for compensation, undertakes to, submits a bid to, or does himself or by others, contract, repair, alter, remodel, add to, subtract from, or improve any residential or private dwelling structure, including related improvements to real estate, for others or for resale to others, and further means one whose

services are limited to building single-dwelling or multi-dwelling residential buildings which do not exceed two stories in height and such accessory use structures in connection therewith.

**"Home Builders Licensure Board"** means the board created herein to regulate the home building and residential construction industry.

**"Board"** means the Home Builders Licensure Board.

**"Registration"** means registration as provided in this act.

**"Contracting"** means, except as exempted herein, engaging in residential and private dwelling construction business as a contractor.

**"Licensee"** means a holder of a certificate issued pursuant to this act or a person registered pursuant to this act.

**"Dwelling"** means a single unit providing complete independent residential living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**"Structure"** means a residence, including a site-built home, a modular home constructed off-site, a condominium, a manufactured home place on a permanent foundation, and duplex or multi-unit residential building, consisting of four (4) dwelling units or less.

**Section 3. Application, Fees, Etc.** Any person desiring to be licensed or desiring a renewal of an existing license as a home building contractor or remodeler in this state shall make and file with the board a written application on a form prescribed by the board for examination by the board, which application shall be accompanied by such fees as may be established by the board. The applicant shall indicate the nature of his contracting activity as it relates to residential home building and private dwelling construction and remodeling. He shall provide the board with a current financial statement satisfactory to the board and a summary of his prior relevant building experience. If the application is satisfactory to the board, then the applicant may be required to take an examination to determine his qualifications. If the result of the examination of the applicant is satisfactory to the board, the board shall then issue to the applicant a license to engage in residential home building and private dwelling construction and remodeling.

Licensees hereunder shall be conclusively presumed to be qualified to engage in the home building and remodeling business in all jurisdictions within the state without the necessity of further examination.

This does not preclude local jurisdictions from requiring registration and licensure.

Any person failing to pass such examination may be reexamined as prescribed by the rules of the board. The license to engage in the business of home building and remodeling shall expire each year on December 31.

The board shall, by rule, establish appropriate criteria for the grandfathering of those builders and remodelers who are actively engaged in the home building and remodeling business as defined herein at the effective date of this act, and no builder shall be denied initial licensure hereunder if such builder is engaged in the residential construction business on the effective date of this act.

Section 4. Method of Examination. The Home Builders Licensure Board shall conduct such examination of applicants for licensure as it, by its rules, determines to be appropriate.

Section 5. Revocation of License, Etc. The board shall have the power to revoke, suspend, or deny the issuance of any certificate of license of any licensee hereunder.

Section 6. Effect of Issuance of Certificate of License. The issuance of a certificate by the Home Builders Licensure Board shall be evidence that the person named therein is entitled to all the rights and privileges of a licensed home building, private dwelling or remodeling contractor while said license remains valid, unrevoked or unexpired.

Section 7. Prohibited Acts and Penalties. Any person not being duly licensed hereunder who shall engage in the business of home building or private dwelling construction or remodeling in this state, and any person presenting as its own the license certificate of another, or any person who shall give false or forged evidence of any kind to the board, in obtaining a certificate of license, or any person who falsely shall impersonate another, or who shall use an expired or revoked certificate of license, and any person, including an owner, architect, or engineer who contracts with or receives a bid for a residential dwelling from anyone not properly licensed under this act, shall be deemed guilty of a Class C misdemeanor and shall, upon conviction of such offense, be punished as prescribed by law.

The submission of the licensee's current license number before considering the bid shall be sufficient evidence to relieve the owner, architect, engineer, or awarding authority of any liability under this



section.

Section 8. (a) Home Builders Licensure Board. There is hereby established the Alabama Home Builders Licensure Board. The board shall consist of nine (9) members who shall be appointed as follows: Three by the Governor, three by the Lieutenant Governor and three by the Speaker of the House of Representatives, from a list of three (3) qualified individuals for each position, which list shall be provided by the governing body of the Home Builders Association of Alabama. Seven of said members shall be residential, private dwelling, or remodeling contractors, as defined in this act, with at least five (5) years' experience as such a contractor and shall be a bona fide resident of the state of Alabama. One (1) member shall be a building official or inspector currently employed by a city, county or state governmental entity and actively engaged in inspecting or regulating residential construction in this state. One (1) board member shall be a consumer member of the general public not employed or directly affiliated with a licensee hereunder. Of the initial members of this board, the appointing authorities shall designate that each appointee shall serve for an initial term of one, two or three years, their terms of office expiring on December 31 of said years. The appointing authority shall make an appointment to fill a vacancy for the remainder of the unexpired term from a list of three (3) qualified builders supplied by the governing body of the Home Builders Association of Alabama. Each board member shall hold over after the expiration of his term until his successor shall be duly appointed and qualified. It is the intent of the Legislature that each United States Congressional District in the state be represented on the board.

(b) Oath. Each member of the board shall, before entering upon the discharge of the duties of his office, take and file with the Secretary of State, the oath required by Section 279 of the Constitution of Alabama.

(c) Officers, Bonds, Compensation, Etc. Upon the appointment by the Governor of said board, the board shall elect one of its members as chairman, another as vice-chairman, and another as secretary/treasurer. The board shall have the power to make such by-laws, rules, and regulations as it shall deem appropriate, provided that the same shall not conflict with the laws of the State of Alabama. The Secretary/Treasurer shall give a fidelity and surety bond in such amount as the board shall determine. Each member of the board shall be reimbursed expenses for attending sessions of the board. All expenses certified by the board as properly and necessarily incurred in the discharge of its duties, including authorized compensations, office rent and supplies shall be paid out of the Home Builders Licensure

Board Fund in the State Treasury in the manner provided by law.

(d) Seal. The board shall adopt a seal for its own use.

(e) Meetings. The board shall have regular meetings for the purpose of transacting such business as may properly come before it and as many special or adjourned meetings as the board may deem necessary, on call of the chairman of the board. Five (5) members of the board shall constitute a quorum.

(f) Records and Accounts. The Secretary/Treasurer shall keep a record of the proceedings of said board, shall receive an account for all monies derived from the operation of board activities as outlined herein and shall deposit, or cause to be deposited, all such monies in the State Treasury to the credit of the Home Builders Licensure Board and said funds shall be subject to withdrawal only upon warrant of the State Comptroller to be issued upon certificate or voucher certified by the Secretary/Treasurer of the board and approved by the Governor. Any funds remaining in the State Treasury to the credit of the Home Builders Licensure Board at the end of each year shall be paid into the general fund of the state on or before January 15 in each succeeding year. The board has the right, however, at all times, to retain a sum not in excess of \$100,000 to meet any emergency that may arise which may affect its efficient operation.

Section 9. Register, Roster, Reports, Investigation, Appeal. The board shall keep a record of the proceedings of the board and a register of licensees and of licensure applicants. The books and register of this board shall be prima facie evidence of all matters recorded therein, and a certified copy of such books or register, under the seal of the board, attested by its secretary, shall be received in evidence in all courts of this state in lieu of the original.

A roster showing the names and places of business of all licensed home building and remodeling contractors shall be maintained by the board and made available to the public during business hours at the board's Montgomery office.

Any party aggrieved by any decision of the Home Builders Licensure Board, either in denying an application for license or revoking a license, may appeal to the circuit court of Montgomery County by filing a bond with the clerk of said court conditioned to pay all costs of the appeal. Upon notice of said appeal being served upon the Home Builders Licensure Board, an issue shall be made up by the court between the appellant and the board in which the appellant shall allege in what respect the action of the board was erroneous and prejudicial to

him; whereupon the court shall hear the evidence and, without regard to the decision of the board, shall render such decision as the court is of the opinion the board should have rendered in the first instance.

**Section 10. Rules and Regulations.** The board shall have the power to make appropriate rules and regulations for the conduct of its affairs. The board's rule-making powers are subject to the provisions of the Administrative Procedure Act as codified in Chapter 22 of Title 41 of the Code of Alabama 1975.

**Section 11. Recovery Fund.** (a) The board is authorized and directed to establish and maintain a recovery fund from which an aggrieved party may recover actual or compensatory damages, not including interest and court costs, sustained only within the State of Alabama as the result of conduct of a licensee hereunder in violation of this act or the rules and regulations of the board.

(b) Any payments from the recovery fund shall be subject to the following limitations and conditions:

(1) Payments for claims based on judgments or settlements against any one licensee shall not exceed \$150,000 in the aggregate;

(2) Payments for claims arising out of the same transaction shall not exceed \$150,000 in the aggregate regardless of the number of claimants;

(3) Payment for any single claimant shall not exceed \$100,000; and

(4) The recovery fund shall be liable only to home owners.

(c) When the balance remaining in the recovery fund is less than \$1,000,000, each licensee shall, on order of the board, pay a fee of \$30.00 per licensee for deposit in the recovery fund.

(d) (1) When an aggrieved party commences action which may result in liability for the recovery fund, the aggrieved person shall notify the board in writing, by certified mail, return receipt requested, to this effect at the time of the commencement of the action.

(2) When the board receives the notice described, the board may enter an appearance, file pleadings and motions, appear at court hearings, defend the action or take whatever other action it deems appropriate either on the behalf and in the name of the defendant or in its own

name. The board may also take any appropriate method of review either on behalf and in the name of the defendant or in its own name. The board may settle or compromise the claim. Any expenses incurred by the board in defending, satisfying or settling any claim shall be paid from the recovery fund.

(3) When an aggrieved party recovers a valid judgment in a court of competent jurisdiction against a licensee on the grounds described in subsection (a) above, the aggrieved party may, on the termination of all proceedings, including all reviews and appeals in connection with the judgment, file a verified claim in the court in which the judgment was entered and, on 10 days' written notice to the board, may apply to the court for an order directing payment out of the recovery fund of the amount unpaid on the judgment.

(4) The court shall proceed on such application forthwith and, on hearing, the aggrieved party shall be required to show that:

(i) He is not the spouse, child or parent of the debtor, or the personal representative of the spouse, child or parent or a shareholder officer or director of the debtor;

(ii) He has obtained a judgment, as described in this section, stating the amount of the judgment and the amount owing on the judgment at the date of the application, and, that in such action, he had joined any and all bonding companies which issued corporate surety bonds to the judgment debtor as principal and all other necessary parties.

(c) The following items, if recovered by him have been applied to the actual compensatory damages awarded by the court:

(1.) Any amount recovered from the judgment debtor;

(2.) Any amount recovered from bonding companies; and

(3.) Any amount recovered in out-of-court settlements.

(5) The court shall order that the recovery fund pay whatever sum it finds due under the provisions and limitations of this section.

(6) Should the board pay from the recovery fund any amount in settlement of a claim or toward satisfaction of a judgment against a licensee, all licenses of the licensee may be terminated by the board. The board may refuse to issue a new license to the former licensee until he has repaid in full, plus interest at the rate of twelve percent (12%) a

year, the amount paid from the recovery fund. A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided in this section.

(7) If the balance in the recovery fund is insufficient to satisfy a duly authorized claim or portion of a claim, the board shall, when sufficient money has been deposited in the recovery fund, satisfy the unpaid claims or portions, plus interest at the rate of twelve percent (12%) a year in the order that the claims were originally filed.

(e) The sums received by the board, pursuant to the provisions of this section, shall be deposited into the state treasury and held in a special fund to be known as the Home Builders Recovery Fund, and shall be held by the board in trust for carrying out the purposes of the recovery fund. These sums may be invested by the state treasurer in any investments which are legal for domestic life insurance companies under the laws of this state. Any interest or other income from investments of the recovery fund shall be deposited into the recovery fund.

(f) When, on order of the court, the board has paid from the recovery fund any sum, the board shall be subrogated to all the rights of the judgment creditor, and all his right, title and interest in the judgment, to the extent of the amount paid from the recovery fund, shall thereby be assigned to the board. Any amount and interest recovered by the board on the judgment shall be deposited to the fund.

(g) Each licensee shall notify the board within 10 days after notice to him of the institution of any criminal prosecution against him, or of a civil summons and complaint against him, if the subject matter of the civil complaint involves a building transaction or involves the goodwill of an existing home building business. The notification shall be in writing by certified mail and must include a copy of the summons and complaint or, if a criminal charge, the specific charge made against him together with a copy of any indictment or information alleging the charges.

(h) Each licensee shall notify the board in writing by certified mail within 10 days after he receives notice that any criminal verdict has been rendered against him, or that a criminal action pending against him has been dismissed, or that a civil action in which he was a defendant and which involved a home building transaction or the goodwill of a home building business has resulted in a judgment or been dismissed. The notification shall be in writing and must include a copy of the court order or other document giving the licensee notice.

Section 12. Exemptions. This act does not apply to: (1)

contractors who work on bridges, roads, streets, highways, railroads, utilities, and services incidental thereto, (2) any employee of a licensee who does not hold-himself-out-for-hire or engage in contracting, except as such employee of a proper licensee, (3) an authorized employee of the United States, the State of Alabama, or any municipality, county, or other political subdivision, if the employee does not hold himself out for hire or otherwise engage in contracting except in accordance with his employment, (4) general contractors holding a current and valid license under the provisions of Sections 34-8-1 through 34-8-27, Code of Alabama 1975, and (5) owners of property when acting as their own contractor and providing all material supervision themselves, when building or improving farm outbuildings or one-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale. In any action brought under this act, proof of the sale, or offering for sale, of more than one such structure by the owner-builder within one (1) year after completion of same is presumptive evidence that the construction was undertaken for the purpose of sale.

Section 13. Severability. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. Repeal of Inconsistent Laws. All laws or parts of laws which conflict with this act are hereby repealed.

Section 15. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 29 Nays 1

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -29

Nay: Senator Parsons

- 1

Senator Corbett offered the following amendment to the Bill, SB 111, as amended by the substitute, to-wit:

**AMENDMENT TO SB 111, AS AMENDED**

Amend SB 111, as amended, as follows:

In Section 8, page 5, line 7, after the word "members" add the following new language:

,one from each United States Congressional District in this state,

Also in Section 8, page 5, line 22, after the word "hereunder" add the following new language:

, nor who has a spouse nor an immediate family member employed or directly affiliated with a licensee hereunder

Also in Section 8, page 5, delete entirely the last sentence on page 5 at lines 32, 33 and 34.

Which was adopted.

Yeas 29 Nays 1

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuitt, Sanders, Smith (B), Waggoner, Wilson, and Windom -29

Nay: Senator Parsons

- 1

Senator Mitchem offered the following amendment to the Bill, SB 111, as amended by the substitute, as amended, to-wit:

**AMENDMENT TO SB 111, AS AMENDED**

Amend SB 111, as amended, page 4, line 5, by adding this sentence at the end of line 5: "Builders to be grandfathered hereunder shall have one (1) year from the effective date of this Act to seek licensure under this provision."

Which was adopted.

Yeas 24 Nays 1

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial,

Dixon, Ellis, Figures, Floyd, Foshee, Hale, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Waggoner, and Windom -24

Nay: Senator Parsons

- 1

Senator Mitchem then offered the following amendment No. 2, to the Bill, as amended by the substitute as amended, to-wit:

#### **AMENDMENT TO SB 111, AS AMENDED**

Amend SB 111, as amended, as follows:

On Page 2, Line 11, after the word "contract" add the word "substantially"

Further amend on Page 2, Line 12, after the word "repair" delete the word "alter".

Further amend on Page 2, Line 12, after the word "remodel" delete the words "add to, subtract from,"

Further amend on Page 2, Line 13, after the word "related" add the word "structural"

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, SB 111, as amended, and pending amendment, was postponed subject to the call of the Chair.

#### **BUDGET ISOLATION RESOLUTION**

Senator Foshee, B.I.R., SB 81, adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Bailey, Bolling, deGraffenried, Dial, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Parsons, Preuit, Waggoner, and Windom -17

Nay: Senator Lipscomb

- 1

#### **BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 81.** To amend Sections 28-3-1 and 28-3-187.1, Code of



Alabama 1975, relating to alcoholic beverages, so as to define the term "brandy" and to exempt brandy from certain labeling requirements.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18 Nays 1

Yeas:

Senators:

Bailey, Bennett, Corbett, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), and Waggoner -18

Nay: Senator Lipscomb

- 1

### BUDGET ISOLATION RESOLUTION

Senator Mitchell, B.I.R., SB 414, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Bennett, Campbell, Denton, Dial, Dixon, Ellis, Floyd, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Smith (B), Smith (J), Wilson, and Windom -23

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 414.** To authorize state agencies an administrative option to require the timely electronic remittance of immediately available funds by any person, corporation or partnership required to satisfy an obligation due any agency of the state of Alabama amounting to one hundred thousand dollars (\$100,000) or more effective January 1, 1992, fifty thousand dollars (\$50,000) or more effective January 1, 1993 and twenty-five thousand dollars (\$25,000) or more effective January 1, 1994; establishes the date from which penalties and interest will be computed; and authorizes the promulgation of rules and regulations governing the manner in which such payments shall be made.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Smith (B), Smith (J), Wilson, and Windom -24

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 58.** To create the Respiratory Care Act and to provide for definitions, qualifications, examination, and licensing of persons administering respiratory care and for waivers from examination and licensing; to provide for the powers, duties and responsibilities of the Alabama State Board of Respiratory Care; to provide for the appointment, term, qualification and meetings of the board; to create a special fund for receipts collected by the board; to provide for the administration of said fund; to make appropriations from the Alabama State Board of Respiratory Care Fund to the Alabama State Board of Respiratory Care; to provide for issuance and renewal of licenses and temporary licenses; to provide for prohibited acts and penalties; to provide for fees; to provide for causes and procedures for disciplinary action; to prohibit false representation of licensure; to provide criminal penalties for certain violations; to provide for exemptions; and to provide for related matters.

was taken up.

On motion of Senator Smith (B), the Rules were suspended and further consideration of the Bill, SB 58, was postponed subject to the call of the Chair.

**BUDGET ISOLATION RESOLUTION**

Senator Bailey, B.I.R., SB 96, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Hale, Horn, Langford, Lipscomb, Little, Owens, Parsons, Preuitt, Smith (B), Smith (J), Wilson, and Windom -19

Nays:

- 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 96.** To amend Sections 7-1-201, 8-25-1 and 8-25-3, Code of Alabama 1975, relating to rental-purchase agreements and the Alabama Uniform Commercial Code, so as to exclude such agreements from coverage of the Alabama Uniform Commercial Code provisions relating to security interests and to authorize certain practices by rental-purchase merchants.

was taken up.

The Standing Committee on Judiciary/Civil reported the following amendment to the Bill, SB 96, to-wit:

**AMENDMENT TO SB 96**

Amend SB 96, on Page 10, Line 23, as follows:

on line 23 after the word "exceed" delete "ten percent (10%)" and insert in lieu thereof the following:

"fifteen percent (15%)"

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hale, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-23

Nays:

- 0

Senator Bailey offered the following amendment to the Bill, SB 96, as amended, to-wit:

**AMENDMENT TO SB 96, AS AMENDED**

Amend SB 96, as amended, as follows:

On page 9, lines 26 and 27, replace the stricken language with the following new language:

This term does not include any transaction wherein a consumer sells personal property to a merchant and then leases the same personal property back with or without a right to repurchase the property.

Which was adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hale, Horn, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Smith (B), and Wilson -20

Nays:

- 0

And said Bill, SB 96, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -24

Nays:

- 0

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 130.** To amend Section 14-9-41 of the Code of Alabama 1975, which relates to computation of incentive time deductions, so as to allow an inmate who has been sentenced to a term of 15 years or less in the state penitentiary to earn correctional incentive time in accordance with the other provisions of this section.

JIM PREUITT,  
Chairperson.

**FURTHER CONSIDERATION OF SB 111, AS AMENDED**

The Senate proceeded to further consideration of the Bill, SB 111, as amended by the substitute, as amended. The question was on the Mitchem amendment No. 2.

On motion of Senator Mitchem, said amendment No. 2 was laid on the table.

And said Bill, SB 111, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18 Nays 9

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Figures, Hale, Hilliard, Langford, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Waggoner, and Windom -18

Nays:

Senators:

Dial, Ellis, Floyd, Lindsey, Lipscomb, Little, Parsons, Preuit, and Sanders - 9

**FURTHER CONSIDERATION OF SB 58**

The Senate proceeded to further consideration of the Bill, SB 58.

**BUDGET ISOLATION RESOLUTION**

Senator Bedsole, B.I.R., SB 58, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Preuit, Sanders, Smith (J), and Windom -22

Nays:

- 0

Senator Bedsole offered the following amendment to the Bill, SB 58, to-wit:

## AMENDMENT TO SB 58

Amend SB 58 on page 6, line 13 by striking the word "six" and insert "four".

Further amend SB 58 on page 6, line 14 by inserting after the word "Alabama"

", two members appointed by the Alabama Hospital Association"

Further amend SB 58 on page 6, line 19 by striking the word "ten" and insert "six"

Further amend SB 58 on page 6, line 27 by striking paragraph c in its entirety and insert in lieu of:

"c. Two members of the board shall be hospital administrators appointed by the Alabama Hospital Association."

Further amend SB 58, page 6, line 30, by striking paragraph d in its entirety.

Further amend SB 58 on page 7, line 3, by striking "public member" and inserting "hospital administrator"

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Hale, Hilliard, Lindsey, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-26

Nays:

- 0

And said Bill, SB 58, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Campbell, Denton, Dial, Ellis, Figures,

Floyd, Hale, Hilliard, Lindsey, Little, Mitchell, Owens, Parsons,  
Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-23

Nays: - 0

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill,  
your signature thereto is requested.

**H. 374.** To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every provider of pharmaceutical services, except hospital inpatient pharmacies or pharmacies owned or operated by the state of Alabama or an agency thereof; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to require the timely payment by the Alabama medicaid agency of reimbursement due pharmaceutical providers; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

GREG PAPPAS,  
Assistant Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House

Bills, your signature thereto is requested.

**H. 375.** To provide for the creation of the Alabama Health Care Trust Fund in the state treasury; to appropriate monies in the fund to the Alabama medicaid agency; to provide that monies in the fund shall not revert to the general fund but shall be carried forward into each succeeding fiscal year; and to limit the reduction of appropriations to the medicaid agency from the general fund.

Also:

**H. 376.** To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every nursing facility which has an agreement to participate in the Alabama medicaid program; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to require the timely payment by the Alabama medicaid agency of reimbursement due nursing facilities; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

Also:

**H. 377.** To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every disproportionate share hospital in the state; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to provide for reimbursement of certain costs incurred by disproportionate share hospitals; to require the timely payment by the Alabama medicaid agency of disproportionate share payments due hospitals; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

GREG PAPPAS,  
Assistant Clerk.



**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**BUDGET ISOLATION RESOLUTION**

Senator Ellis, B.I.R., SB 1, adopted.

Yeas 25   Nays 1

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Hale, Hilliard, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-25

Nay: Senator Bailey

- 1

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 1.**      To amend Section 9-11-51, Code of Alabama 1975, which prohibits hunting without a license, so as to provide further for the penalty imposed on nonresidents who hunt without licenses.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19   Nays 2

Yeas:

Senators:

Bennett, Bolling, deGraffenried, Denton, Dial, Ellis, Floyd, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Smith (B), and Windom  
-19

Nays:

Senators:

Bailey and Sanders

- 2

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

**H. 466.** To amend Sections 24-7-2 and 24-7-3 of the Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to provide further for the appointment of members of the Authority and to provide further for the duties and powers of the Authority.

said Governor's Message being in words and figures as follows, to-wit:

**MESSAGE FROM THE GOVERNOR**

To The House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 466, without the Governor's signature and with a suggested Executive Amendment.

Done this 16th day of May, 1991.

Respectfully submitted,

GENE ANDERSON  
Executive Secretary/  
Chief of Staff.

**MESSAGE FROM THE GOVERNOR**

To The House of Representatives of Alabama  
Alabama State House  
Montgomery, Alabama  
Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 466, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NO. 466:

Please amend House Bill No. 466 on page 2, lines 11 and 12, by deleting the phrase "which shall forward findings of fact and their recommendations to the governor,".

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 16th day of May, 1991.

Respectfully,

GUY HUNT  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, HB 466, by a vote of a majority of those voting, said vote being: Yeas 70, Nays 0.

And said Bill, HB 466, together with the Executive amendment, is herewith sent to the Senate for its consideration.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE AND GOVERNOR'S MESSAGE**

On motion of Senator Lindsey, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, HB 466, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 20 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Ghee, Hale, Hilliard, Lindsey, Lipscomb, Little, Owens, Parsons, Smith (B), and Windom -20

Nay: Senator Sanders

- 1

which was a majority of the whole number elected to the Senate.

**BUDGET ISOLATION RESOLUTION**

Senator deGraffenried, B.I.R., SB 132, adopted.

Yeas 20 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, deGraffenried, Denton, Dial, Ellis, Floyd, Ghee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), and Windom -20

Nay: Senator Sanders

- 1

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 132.** To provide for the development of a comprehensive emergency medical services system in the state and to adopt rules necessary to carry out the provisions of this act; to establish a unified emergency medical services system throughout Alabama to prevent needless loss of human life, disability, and suffering; to provide improved mechanisms for the development and implementation of plans addressing medical control and accountability for prehospital care, physician responsibility for the management of patient care including the issuance of physician orders from designated associate and resource hospitals for performance of advanced medical procedures by prehospital personnel, patient treatment and transportation requirements, professional and technical training, manpower, emergency medical communications, access to care and dispatching, coordinated patient record keeping, evaluation, public information, and mutual aid; to establish a state emergency medical control committee and a state advisory committee to assist with drafting of rules; to establish the position of state EMS medical director; to repeal sections 22-18-1 through 22-18-7, Code of Alabama 1975; and to provide penalties for violation of this act.

was taken up.

The Standing Committee on Health reported the following substitute for the Bill, SB 132, to-wit:

**SUBSTITUTE FOR SB 132****A BILL  
TO BE ENTITLED  
AN ACT**

To provide for the development of a comprehensive emergency medical services system in the state and to adopt rules necessary to carry

out the provisions of this act; to establish a unified emergency medical services system throughout Alabama to prevent needless loss of human life, disability, and suffering; to provide improved mechanisms for the development and implementation of plans addressing medical control and accountability for prehospital care, physician responsibility for the management of patient care including the issuance of physician orders from designated associate and resource hospitals for performance of advanced medical procedures by prehospital personnel, patient treatment and transportation requirements, professional and technical training, manpower, emergency medical communications, access to care and dispatching, coordinated patient record keeping, evaluation, public information, and mutual aid; to establish a state emergency medical control committee and a state advisory committee to assist with drafting of rules; to establish the position of state EMS medical director; to repeal sections 22-18-1 through 22-18-7, Code of Alabama 1975; and to provide penalties for violation of this act.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. This act shall be known as "The 1991 Emergency Medical Services Act of Alabama."

Section 2. The legislature recognizes the importance and need for a statewide emergency medical services system in the state to provide emergency medical care. The legislature further recognizes that emergency medical services (EMS) should be provided through adequately trained and qualified technicians, who are licensed to provide care using procedures and directions approved by the board of health. The board is hereby designated as the state lead agency. It is hereby given the authority to develop a comprehensive state EMS system and to establish licensure requirements for ambulance services and prehospital personnel including equipment, training, education, and levels of licensure. The board is authorized further to set medical standards for non-transport prehospital EMS providers, special purpose ambulances, air ambulances, convalescent vehicles, and mobile intensive care units which transport patients. The six regional lead agencies in existence at the time of adoption of this act are hereby designated as the lead agencies for their respective regions unless and until such designation is rescinded or modified by the board as provided below. The boundaries of the existing lead agencies shall remain as they exist on the effective date of this legislation. After appropriate notice and utilizing the rule making provisions of the Alabama Administrative Procedure Act, the board may change regional boundaries and/or designate other organizations to serve as the regional EMS lead agencies. The regional EMS lead agencies shall be accountable to the board on all matters pertaining to EMS.

After appropriate notice and utilizing the rule making provisions of the Alabama Administrative Procedure Act, the board may withdraw regional lead agency's designation in the event of violations after proper warning by the board of a rule violation, or if such agency becomes unable to fulfill its responsibilities set forth within the rules established pursuant to this act. Any proposed regional changes must first have been submitted to the EMS advisory committee.

Section 3. The following words and phrases used in this act shall have the following respective meanings unless the context clearly indicates otherwise:

(1) "Advanced life support (ALS)" means the treatment of life-threatening medical emergencies through the use of invasive medical techniques specified as advanced life support techniques by the board of health, which ordinarily may be performed or provided only by licensed physicians, but which may be performed by emergency medical technicians during emergencies under constraints specified by rule of the board. Examples of advanced life support techniques include endotracheal intubation, administration of intravenous fluids and/or drugs, cardiac monitoring, defibrillation and other procedures approved by the board. Inclusion of the examples listed above does not mean that the technique is an authorized advanced life support technique absent approval by the board.

(2) "Air ambulance" means any aircraft that is intended to be used for and is maintained or operated for the transportation of persons who are sick, injured, wounded, or otherwise incapacitated.

(3) "Ambulance" means any vehicle that is intended to be used for and is maintained or operated for transportation of persons who are sick, injured, wounded or otherwise incapacitated.

(4) "Ambulance driver" means an individual who drives or otherwise operates an ambulance.

(5) "Authorized agent" means any individual or agency designated to act as the agent of the board of health.

(6) "Basic life support (BLS)" means prehospital rescue and the treatment of medical emergencies by emergency medical technicians using techniques for first aid and resuscitation which are contained in the training curriculum approved by the board for the EMT basic level of competency.

(7) "Board" or "board of health" means the Alabama state board

of health.

(8) "Certificate" means official acknowledgment that an individual has successfully completed one of the state approved emergency medical technician training courses referred to herein.

(9) "Continuing education" means an educational program designed to update knowledge and skills through participation in conventions, seminars, workshops, educational classes, labs, symposiums, and other training programs. Points toward recertification may be awarded for successful completion of approved activities.

(10) "Convalescent vehicle" means a vehicle that is used for making non-emergency calls such as scheduled visits to a physician's office or hospital for treatment, routine physical examinations, x-rays or laboratory tests, or is used for transporting patients upon discharge from a hospital or nursing home to a hospital or nursing home or residence, or for other non-emergency calls.

(11) "Emergency medical dispatcher (EMD)" means an individual who communicates by electronic means with persons seeking emergency assistance and with agencies and individuals providing such assistance.

(12) "Emergency medical service (EMS) system" means an approved methodology, including the arrangement of personnel, facilities, and equipment, for the delivery of medical care under emergency conditions.

(13) "Emergency medical technician (EMT)" means an individual who is authorized to provide prehospital care or additional care as otherwise provided by law and who possesses a valid license issued pursuant to the provisions of this act.

(14) "Facility" means any structure or building, or portion thereof, such as a hospital emergency department, where patients are treated or from which medical control physicians issue orders to be carried out by prehospital personnel.

(15) "In-service training" means a course of training approved by the board that is conducted by a licensed provider for its personnel.

(16) "Lead agency" means the organization designated to direct a state or regional EMS system pursuant to the provisions of this act.

(17) "License" means a written and issued authorization from the

board of health given to a person, firm, corporation, or governmental division or agency permitting such person or entity to provide emergency medical services or non-emergency convalescent vehicle transport services in this state.

(18) "Licensee" means any person, firm, corporation, or governmental division or agency possessing a license as defined in subdivision (17) of this section.

(19) "Non-transport volunteer service" means a prehospital service which provides medical care at the scene of an emergency, but which does not transport the patient from the scene; such a service does not financially compensate its personnel nor does it seek reimbursement from patients for the medical care it renders.

(20) "On-line medical control physician" means a physician, holding a current license from the medical licensure commission of Alabama, who issues advanced life support orders to prehospital personnel from within a health care facility authorized to issue such orders under a plan or procedure approved by the board.

(21) "On-line medical director (or base station director)" means a physician, holding a current license from the medical licensure commission of Alabama, practicing at a properly authorized health care facility, who has been given the overall responsibility for quality assurance and control of the physicians who provide medical orders and scene management orders via radio/telephone to prehospital personnel caring for patients in the field.

(22) "Patient" means an individual who is sick, injured, wounded or otherwise incapacitated or helpless.

(23) "Permit" means an authorization issued for an ambulance vehicle or convalescent vehicle which meets the standards adopted by the board pursuant to this act.

(24) "Physician advisor (off-line medical control)" means a physician, holding a current license from the medical licensure commission of Alabama, who provides medical guidance and who oversees and provides quality assurance and medical liaison for an EMS service.

(25) "Pilot" means an individual who operates an aircraft and holds the appropriate FAA license.

(26) "Prehospital personnel" means EMS providers or other



appropriate health care providers who are licensed by the licensing authority appropriate for their profession and who provide care in the prehospital setting and during inter-hospital transport of patients.

(27) "Regional EMS system organization" or "regional EMS lead agency" means the agency or institution recognized or designated by the board as the lead organization for the coordination and implementation of a regional EMS system.

(28) "Regional medical director" or "off-line regional medical director" means a physician, holding a current license from the medical licensure commission of Alabama, who is responsible for the overall medical supervision of a regional EMS system.

(29) "Special purpose ambulance" means an ambulance equipped and designated to transport only those patients in need of specialized types of care. Examples include neonatal ambulances and cardiac-care ambulances.

(30) "Designated EMS training programs" means educational programs certified by the board which provide primary and/or continuing education.

(31) "Adequate funding" means sufficient funds made available to individual EMS services to purchase and maintain vehicles, equipment and training necessary to comply with the statewide EMS standards.

(32) "Mobile intensive care unit" means a vehicle specially designed and equipped to provide essential monitoring and support, powered independently from the vehicle electrical system, and staffed by personnel appropriate to the health care needs of the patient.

(33) "Non-transport paid service" means a prehospital service which provides medical care at the scene of an emergency, but does not transport the patient from the scene; and whose personnel are paid for their services.

Section 4. The board of health is hereby designated as the state's lead agency to establish and maintain a comprehensive emergency medical services system for the state and shall have the authority to adopt the rules necessary to effect the purposes of this act. The board's responsibilities shall include the establishment of graded levels of personnel and standards for patient transport vehicles, equipment, services, and facilities. The board shall have the authority to establish graded levels of emergency medical technicians, to establish education, training, and

performance requirements for licensure of prehospital personnel including ambulance drivers and EMT's at all levels and to issue a license to each applicant meeting the requirements set forth. Each individual license so issued shall be valid for a period of 24 months. The fee for each individual license shall be \$15.00. The board is authorized further to issue licenses for the operation of ambulance services on an annual basis. The fee for a license to operate an ambulance service shall be \$25.00 per annum. The fees for all licenses shall remain at these levels through December 31, 1993. The board may increase license fees after this date on a biannual basis by an amount not to exceed 10 percent of the fees in effect at the time of the proposed increase. Members of the Alabama Association of Rescue Squads and other nonprofit services shall be exempt from the fees for issuance of a license to operate an ambulance service. All revenues collected under the provisions of this act shall be deposited to the credit of the board and are hereby appropriated to the board of health to administer the rules established pursuant to this act. Following the contested case provisions of the Alabama Administrative Procedure Act, all ambulance service licenses and authorizations issued pursuant to this act shall be subject to suspension, termination, or revocation at the discretion of the board upon proof of the violation of any provision of this act or any rule or regulation adopted hereunder, or proof that a licensee's actions or inactions were detrimental to the health or safety of the persons who may be served by such licensee.

Section 5. The regional lead agency governing boards shall be representative of all elements of the EMS system, including consumers, paid and volunteer providers, physicians, hospitals, and elected officials. Every county within the region shall be adequately represented. Each region shall have a regional medical control committee chaired by the regional medical director and comprised of the on-line medical director of each hospital providing medical control; other medical control physicians and physician advisors, as deemed appropriate by the regional medical director; one hospital administrator representing hospitals participating in the regional EMS system; one EMT paramedic representing ALS ambulance services; and one EMT paramedic representing ALS non-transport medical rescue services. Each region shall appoint a regional medical director who shall be a physician with experience and knowledge in emergency medical services. The regional medical director shall be appointed by the governing board of the regional lead agency. The appointment shall be subject to approval by the board. Each EMS service shall have a physician advisor. The medical credentials necessary for the appointment of a physician advisor shall be approved by the board. The appointment of any physician advisor shall be recommended by the EMS service and shall be approved by the regional

medical director. Changes in the appointment of the physician advisor by an EMS service shall not be made without the approval of the regional medical director.

Section 6. The designated regional lead agencies shall function as provided by the EMS rules adopted by the board, and shall assist the state lead agency with activities necessary to maintain the EMS system within their respective regions. The regional lead agencies and regional medical directors shall be responsible for administering a statewide EMS plan developed by the board and the regional agencies, as appropriate to each regional agency's service area. This responsibility shall include but not be limited to these activities: coordinating EMS system components; monitoring the performance of regional and subregional medical control systems to ensure their accountability; mediating problems involving hospitals and prehospital providers, and initiating corrective action; and assisting with primary and continuing education for providers of emergency medical care. ASETF monies previously appropriated annually to the regional EMS lead agencies shall hereafter be appropriated to the board of health, which shall contract with the designated regional EMS lead agencies, to fulfill the functions described above. The total amount provided each regional lead agency through this funding arrangement shall not be less than FY-91 (\$1,900,572.00 total for all six agencies divided equally among them), unless reduced by the legislature or proration. In the event the legislature or proration reduces such funding, each regional lead agency's portion of the total appropriation shall be reduced by the same percentage. If the state board of health were to withdraw a regional lead agency's designation or modify an agency's boundaries, following appropriate procedures, including those in the Alabama Administrative Procedure Act, the affected agency's funding shall be withdrawn, reduced, or increased accordingly. The regional lead agencies shall develop budgets based on available funding and on needs and objectives congruent to a statewide EMS plan. These budgets shall be submitted to the state health officer for approval in the same manner as other statewide health care programs. All funds over and above the state funding levels approved by the legislature for the regional agencies during FY-91 shall be distributed as follows:

- (1) Not more than eight percent shall be allocated to the state lead agency to administer the program.
- (2) Fifty percent of the remainder of the additional funds, calculated after allocation of the funds described in subdivision (1) of this section, shall be divided equally among the regional lead agencies.
- (3) From the remainder of the additional funds, calculated after

allocation of the funds described in subdivision (1) of this section, 25 percent shall be divided proportionately among the regional lead agencies based upon square mileage, and 25 percent shall be divided proportionately among the regional lead agencies based upon the population within the boundaries of each regional lead agency. Of the total amount allocated to each regional lead agency over and above the state funding levels approved by the legislature during FY-91, not more than eight percent may be expended by each such regional lead agency to administer the regional EMS program. The remainder of the funds shall be applied to meet EMS training and equipment needs, as set forth within the regional plans approved by the board.

Section 7. There is hereby established the state emergency medical control committee, hereinafter referred to as the "SEMCC," whose purpose is to advise the state health officer and the state committee of public health on all matters pertinent to the formulation of statewide medical control and accountability policies by the board. It will coordinate and mediate medical and accountability activities among the regional EMS systems. Members of the SEMCC shall serve without compensation but shall be entitled to reimbursement for expenses incurred in the performance of the duties of their office as provided by state law. The chairperson of the SEMCC shall establish subcommittees of the SEMCC comprised of representatives from ambulance, fire, rescue, and other EMS groups, as needed. The SEMCC shall be composed as follows:

(1) The regional medical directors;

(2) One member who shall be appointed by the Alabama Chapter of the American College of Emergency Physicians in the event that none of the regional medical directors are active members of this organization;

(3) One member who shall be appointed by the Alabama Committee on Trauma of the American College of Surgeons in the event that none of the regional medical directors are active members of the American College of Surgeons;

(4) One member who shall be appointed by the Alabama Chapter of the American Academy of Pediatrics in the event that none of the regional medical directors are active members of this organization;

(5) The state EMS medical director, who shall serve as its chairperson; and

(6) Other physicians deemed appropriate by the state EMS medical director and the state health officer.

Section 8. (a) There is hereby established an EMS advisory committee, hereinafter referred to as the "advisory committee," to provide to the state health officer, the state EMS medical director, and the state committee on public health assistance and input into the formulation of all rules necessary to carry out the provisions of this act. The advisory committee shall meet at least once annually and at other times at the call of the state health officer. Members of the advisory committee shall serve without compensation but shall be entitled to reimbursement for expenses incurred in the performance of the duties of their office as provided by state law. The advisory committee shall elect for a three-year term from its membership one of its members to serve as chairperson who shall not be eligible to serve consecutive terms. The EMS advisory committee shall be composed as follows:

(1) One member who shall be appointed by the Alabama Hospital Association;

(2) One member who shall be appointed by the Alabama Ambulance Association;

(3) One member who shall be appointed by the Alabama Association of Rescue Squads;

(4) One member who shall be a paramedic firefighter appointed by the Professional Firefighters Association of Alabama;

(5) One member who shall be a paramedic firefighter appointed by the Alabama Association of Volunteer Fire Departments;

(6) One member who shall be appointed by the Alabama Association of Fire Chiefs;

(7) Two members who shall be appointed by the Alabama Council on EMS to represent the regional lead agencies;

(8) One member who shall be appointed by the board;

(9) One member who shall be appointed by the Aeromedical Services Committee of the Alabama Hospital Association;

(10) One member who shall be appointed by the Alabama Chapter of the American College of Emergency Physicians;

(11) One member who shall be appointed by the Alabama Committee on Trauma of the American College of Surgeons;

(12) One member who shall be appointed by the Alabama Chapter of the American Academy of Pediatrics;

(13) One member who shall be appointed by the Medical Association of the State of Alabama;

(14) One member who shall be appointed by the Alabama Department of Economic and Community Affairs, Highway Traffic and Safety Program;

(15) One member who shall be appointed by the Director of Public Safety;

(16) One member from a state approved paramedic training school who shall be appointed by the Coalition of Paramedic Educators;

(17) One member who shall be an EMT appointed by the professional EMT association recognized by the board;

(18) One member who shall be appointed by the Alabama Chapter of the Emergency Nurses Association;

(19) One member who shall be appointed by Alabama League of Municipalities;

(20) One member who shall be appointed by the Alabama County Commissioners Association;

(21) One member who shall be appointed by the Alabama Emergency Management Council; and

(22) One member who shall be appointed by the Alabama Nurses Association.

(b) With the consent of the majority of the members of the advisory committee, the chairperson shall set requirements for proxy representation and voting and the establishment of a quorum. Members shall serve staggered terms of office of three years, according to a formula to be determined by the board or until their successors are appointed, unless otherwise specified. Any vacancy shall be filled in the same manner as provided for the original members.

Section 9. There is hereby established the position of state EMS medical director. The state EMS medical director shall be appointed by the state committee of public health and shall be a physician with extensive knowledge and experience in emergency medical services. The state

EMS medical director is responsible for the overall medical direction of the statewide EMS system. With the guidance of the SEMCC, the state EMS medical director shall establish statewide medical control and accountability policies for approval by the board. The state EMS medical director shall be accountable to the state health officer on all matters pertaining to the statewide EMS system.

Section 10. (a) With the advice of the SEMCC and the EMS advisory committees in their respective areas as specified below, the state board of health is hereby authorized to adopt rules to effect the purposes of this act. The SEMCC shall address issues pertaining to medical control and the activities of prehospital personnel. This shall include, but is not limited to, field studies, procedures, treatment protocols, approval of intravenous fluids and drugs for field use, continuing education requirements, and quality assurance. The EMS advisory committee shall address issues pertaining to licensure of prehospital personnel and ambulance services. This shall include, but is not limited to, educational requirements for licensure, requirements for recertification, educational programs, equipment and personnel standards for ambulances and ambulance services, and quality assurance. The SEMCC shall meet at least once annually and at other times at the call of the state EMS medical director or the state health officer. All administrative responsibility for the EMS program shall be vested in the board. The board may establish special committees as it deems appropriate.

(b) The board may by rule designate certain procedures as "advanced life support techniques," which may be performed by EMTs during emergencies, such as situations where the life, health, or safety of a prehospital patient is in immediate jeopardy. The board is authorized further to prescribe by rule the qualifications and certification necessary for personnel performing advanced life support techniques, and the specific conditions under which such techniques may be performed by non-physicians. Notwithstanding any statutory provision to the contrary, emergency medical service personnel who possess the necessary qualifications and certification prescribed by the board shall not be deemed to have engaged in the unlawful practice of medicine when performing advanced life support techniques in accordance with the constraints established by the board.

(c) The state board of health, the Alabama department of public health, the regional lead agencies, hospitals, and other emergency medical service providers are hereby authorized to establish quality assurance programs which systematically identify substandard performance and excellent performance by personnel, by equipment, and problems caused by the use of various protocols. In response to the identification of

substandard performance and problems, quality assurance programs must be authorized to take necessary corrective action. Quality assurance programs may include the following functions: peer review, chart review, chart audit, on scene observations, complaint investigations, and screens. A quality assurance program conducted in any region must be conducted in accordance with and be a part of the region's medical control and accountability plan. On request, an EMS provider shall submit data to any committee or governing body of the region, or the state, as provided for by the region's medical control and accountability plan. A person serving on or communicating information to any governing body or committee conducting a quality assurance program shall not be subject to an action for civil damages for affirmative actions taken or statements made in good faith during the quality assurance process. The proceedings, discussions, and documents generated by quality assurance programs related to emergency medical services which are formally identified as such shall be deemed confidential, shall not be admissible in court for any purpose, and shall not be subject to discovery in any civil action, except to the extent necessary to demonstrate that particular evidence was generated by a duly constituted quality assurance program, provided that such quality assurance programs meet regularly and are duly authorized to take necessary corrective measures for problems and substandard performance identified. Nothing in this subsection shall limit the admissibility or discoverability of patient medical records, regularly and ordinarily kept in the course of a patient's treatment, which otherwise would be admissible or discoverable.

Section 11. Pursuant to this act, the designated EMS training programs shall function within the EMS rules established by the board and assist the state lead agency with the planning, coordination, evaluation, and implementation of activities necessary to foster the development and maintenance of the EMS educational system within their designated areas. The board shall approve primary education programs and continuing education training courses for prehospital personnel. The board shall establish minimum standards for primary education and continuing education training courses for prehospital personnel. The qualifications of instructors of training courses for prehospital personnel shall be set by rule of the board or shall be set by its authorized agents pursuant to requirements established by the board; and all such training courses shall be taught by properly certified or approved instructors.

Section 12. (a) All prehospital personnel shall be licensed by the licensing authority appropriate for their profession. Any person desiring licensure as an emergency medical technician must complete an approved emergency medical technician course, must successfully pass the appropriate level licensure exam as determined by the board, and



must apply to the board. Any individual in possession of a valid emergency medical technician or ambulance driver license on the date this act becomes effective shall retain their current level of licensure without further being required to successfully pass any additional licensure examination so long as the license held remains in good standing. A license so issued by the board shall be valid for a period of two years and may be renewed subject to the holder meeting the requirements set forth by the board. Methods of satisfying the requirements for license renewal shall include, but are not limited to, the following:

(1) Completion of a formal refresher course approved by the board; or

(2) Completion of a minimum number of continuing education units (CEUs) approved by the board, provided, however, that any increases in the minimum required number of hours of continuing education over and above those in effect on the date this act becomes effective shall be furnished without charge to prehospital personnel for any direct training costs such as tuition, registration, or course fee.

(b) The board may suspend or revoke a license so issued at any time it is determined that the holder:

(1) No longer meets the prescribed qualifications;

(2) Is guilty of misconduct as defined by the board's rules or otherwise commits a serious and material violation of the rules;

(3) Has failed to maintain the required level of continuing education units;

(4) Has provided care to a prehospital patient or patients which falls short of the standard of care which ordinarily would be expected to be provided by similarly situated EMS personnel in Alabama, and has thereby jeopardized the life, health, or safety of a patient or patients;

(5) Has submitted a license application, a report of continuing education requirements, a run report, or any other document which is material to the duties and qualifications of EMS personnel and which is willfully false or fraudulent in any respect;

(6) Has committed fraud in the performance of their duties or in connection with any matter related to emergency medical services in Alabama;

(7) Has been convicted of a crime involving moral turpitude,

unless the board determines that the fact of such conviction would not be likely to interfere with the performance of EMS duties; or

(8) Has committed other misconduct which is prejudicial to the performance of EMS duties and which gives the board adequate and reasonable cause to take adverse licensure action.

Section 13. The following are exempted from the provisions of this act:

(1) Ambulances owned and operated by the federal government; and

(2) A vehicle or vehicles rendering assistance to community ambulances in the case of a catastrophe when licensed ambulances in the locality are insufficient to render the required services; and

(3) A vehicle or vehicles owned by a business which offers assistance exclusively to employees of the same business who are injured or who otherwise require emergency medical assistance while on company property.

Section 14. Except as provided in Section 15 of this act, a prehospital EMS operation found by the board to be noncompliant with this act and its provisions shall not be eligible for the funding assistance provided by this act until the board determines that operation to be compliant.

Section 15. All members of the Alabama Association of Rescue Squads (AARS) and all volunteer services previously exempted from, or heretofore not regulated by, sections 22-18-1 through 22-18-7, Code of Alabama 1975, and all other state laws pertaining to EMS regulation, shall be exempt from any and all provisions of this act, including rules, regulation, certification, policies and procedures. Said exemption shall remain in effect until adequate funding is made available, which will be determined on a service by service basis upon the recommendations of the AARS and the EMS advisory committee. Once adequate funding is made available, members of the AARS and all volunteer services previously exempt shall have an 18-month grace period to come into compliance with statewide EMS training standards. Should adequate funding cease, then compliance with statewide EMS vehicle and/or equipment standards will be suspended in such cases where the vehicles and/or equipment are no longer in compliance.

Section 16. (a) The board shall develop a comprehensive statewide

emergency medical services plan to implement and facilitate the delivery of adequate emergency medical services to every citizen.

(b) Any municipality or county may request of the regional lead agency inclusion of an ambulance transport plan in the region's medical control and accountability document. The ambulance transport plan for the municipality or county will address the delivery of emergency and non-emergency ambulance service. The ambulance transport plan for the municipality or county will be constructed with the region's guidance and will involve all parties who make known to the region their wish in writing that they be included. A municipality or county in its ambulance transport plan may designate one or more ambulance transport agencies to serve its jurisdiction. A municipality or county may choose to join one or more adjoining jurisdictions in the ambulance transport plan. In reviewing the medical control and accountability plan, the board will also approve the ambulance transport plan. The legislature declares that the preparation and implementation of the ambulance transport plan by regions, counties, and municipalities is an important function in this state. It is the intent of the legislature in this act to affirm the authority to prepare and implement ambulance transport plans and to exempt such from liability under federal antitrust laws.

Section 17. A duly licensed emergency medical technician may perform any function consistent with such licensure, according to such rules and regulations as the board may prescribe. Licensed emergency vehicles manned by prehospital personnel, who are trained to provide advanced life support and who possess current board licensure, are authorized to carry a drug kit containing limited quantities of drugs, including controlled substances, as may be approved by the board for administration to patients during the regular course of duties of such prehospital personnel, provided, that such drugs may be administered only pursuant to the order of a physician who possesses a valid license to practice medicine within this state, and who is, at the time such order is given, functioning in accordance with the applicable regional medical control plan approved by the board. Emergency medical technicians may not perform services pursuant to standing orders from physicians without prior approval of the board. Emergency medical technicians may accept standing orders from only those physicians responsible for the issuance of standing orders to emergency medical technicians who meet the qualifications adopted by the board on the recommendation of the SEMCC and the state health officer. Emergency medical technicians may accept orders to perform advanced life support techniques only from those medical control physicians who have completed medical control training approved by the board on the recommendation of the SEMCC and the state health officer.

Section 18. It shall be a Class A misdemeanor for any person, firm, company, corporation, organization, facility or agency to:

(1) Hinder, obstruct, or interfere with an officer, inspector or duly authorized agent of the board while in the performance of official duties; or

(2) Hinder, obstruct, or interfere with any physician, nurse, licensed emergency personnel, or emergency personnel exempt from licensure under the provisions of this act while such individual is providing emergency care to a third person; or

(3) Offer, provide, or perform, without a valid, current license or certificate to do so, an emergency medical service or other function which, under the provisions of this act or the rules adopted pursuant thereto, may not be performed without a license or certificate issued by the board of health.

Section 19. All laws or parts of law which conflict with this act are hereby repealed; and sections 22-18-1 through 22-18-7, Code of Alabama 1975, are hereby expressly repealed. All rules adopted under the authority of said Code sections shall remain in force until repealed by rules adopted under the authority of this act.

Section 20. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 21. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator deGraffenried offered the following amendment to the substitute for the Bill, SB 132, to-wit:

#### **AMENDMENT TO SUBSTITUTE FOR SB 132**

Amend the substitute for SB 132 Page 19, by striking out lines 7 and 8 and inserting in lieu thereof the following:

(1) Ambulances and air ambulances owned, operated, or staffed by the state or federal government; and

Which was adopted.

And said substitute, as amended, was then adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Floyd, Ghee, Hale, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), and Windom -22

Nays:

- 0

Senator Dial offered the following amendment to the Bill, SB 132, as amended by the substitute, as amended, to-wit:

**AMENDMENT TO SB 132, AS AMENDED**

Amend SB 132, as amended, Page 14 Line 7, as follows:

Strike Section (6) in its entirety.

On motion of Senator deGraffenried said amendment was laid on the table.

Senator Dial then offered the following amendment No. 2 to the Bill, SB 132, as amended by the substitute as amended, to-wit:

**AMENDMENT TO SB 132, AS AMENDED**

Amend SB 132, as amended, Page 14 Line 22, as follows:

After the word Services. add:

This appointment must be confirmed by the Senate and re-confirmed in 1993.

On motion of Senator deGraffenried said amendment No. 2 was laid on the table.

Yeas 14 Nays 11

Yeas:

Senators:

Bedsole, Bennett, deGraffenried, Ellis, Figures, Floyd, Ghee, Lindsey, Mitchell, Owens, Sanders, Smith (B), Wilson, and Windom -14

Nays:

Senators:

Bailey, Bolling, Corbett, Denton, Dial, Dixon, Hale, Langford, Lipscomb, Little, and Waggoner -11

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 466.** To amend Sections 24-7-2 and 24-7-3 of the Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to provide further for the appointment of members of the Authority and to provide further for the duties and powers of the Authority.

GREG PAPPAS,  
Assistant Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**FURTHER CONSIDERATION OF SB 132**

The Senate proceeded to further consideration of the Bill, SB 132, as amended by the substitute as amended.

Senator Bailey requested and received unanimous consent to postpone further consideration of the Bill, SB 132, as amended by the substitute as amended, until the Eleventh Legislative Day at 3 o'clock P.M., and further moved that at the hour of 3:15 P.M., the third reading of the Bill, SB 132, as amended by the substitute as amended, will be put, which motion was adopted.

**MOTION TO ADJOURN**

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, May 21, 1991, at 2 o'clock P.M., which motion was adopted.

**BUDGET ISOLATION RESOLUTION**

Senator Denton, B.I.R., SB 40, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Hale, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom  
-24

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 40.** To authorize municipalities and counties to provide assistance to the governing body of any other municipality or county when such municipality or county has been declared a disaster area by the Governor of the State of Alabama or by the President of the United States, and provides a procedure by which such assistance may be implemented.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Hale, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom  
-25

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Smith (B), B.I.R., SB 333, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Waggoner, and Windom  
-25

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 333.** To amend Sections 35-15-1, 35-15-2 and 35-15-3 of the Code of Alabama 1975, relating to the duty of care owed persons on premises for sporting or recreational purposes so as to provide further that sporting or recreational activities include caving (exploring caves) and rock climbing.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Hale, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, and Windom

-26

Nays:

- 0

**REPORT FROM RULES**

Senator Preuit, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**HJR 121. RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.**

And on motion of Senator Preuit, said Resolution, HJR 121, was concurred in and adopted by the Senate.

**BUDGET ISOLATION RESOLUTION**

Senator Waggoner, B.I.R., SB 309, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bennett, Campbell, Denton, Dial, Dixon, Ellis, Figures, Floyd,



Foshee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens,  
Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and  
Windom -24

Nays: - 0

**BILLS ON THIRD READING RESUMED**

**THE BILL:**

**S. 309.** To create the "Alabama Clean Indoor Air Act," to protect the public health, comfort and environment and promote the above by reducing involuntary exposure to tobacco smoke in public places.

was taken up.

The Standing Committee on Health reported the following amendment to the Bill, SB 309, to-wit:

**AMENDMENT TO SB 309**

Amend SB 309, on Page 3, Line 22, as follows:

by striking the period and add the following:

", provided however healthcare facilities which have established smoking policies do not have to alter their existing policies nor shall healthcare facilities be required to designate smoking areas."

Which was adopted.

Yeas 26 Nays 1

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial,  
Dixon, Figures, Floyd, Foshee, Hale, Langford, Lindsey, Lipscomb,  
Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B),  
Smith (J), Waggoner, and Windom -26

Nay: Senator Ghee - 1

Senator Waggoner offered the following substitute for the Bill, SB 309, as amended, to-wit:

## SUBSTITUTE FOR SB 309, AS AMENDED

A BILL  
TO BE ENTITLED  
AN ACT

To create the "Alabama Clean Indoor Air Act," to protect the public health, comfort and environment and promote the above by reducing involuntary exposure to tobacco smoke in public places.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Alabama Clean Indoor Air Act."

Section 2. The purpose of this act is to protect the public health, comfort and environment by creating areas in public places and on public transportation that are reasonably free from the effects of tobacco smoke.

Section 3. As used in this act, the following words and phrases shall have the following meanings ascribed to them unless the context clearly indicates otherwise:

(1) "Public place" means any enclosed, indoor area used by the general public or serving as a place of work excluding worksites of 20 or less people, including, but not limited to, state and local government buildings, restaurants, retail stores, hotels, offices and other commercial establishments, public conveyances, educational facilities, hospitals, health care clinics, doctor's offices, nursing homes, health care agencies, day care centers, auditoriums, indoor arenas, libraries, courtrooms, jury waiting and deliberation rooms, retail food stores, and meeting rooms, but excluding private enclosed offices occupied exclusively by smokers, even though such office may be visited by non-smokers. This term does not include establishments licensed under the alcoholic beverage code to sell alcoholic beverages for on-premise consumption, or food service establishments, which seat 50 or fewer persons, a retail store the primary business of which is the sale of tobacco or tobacco related products, or a bowling alley, or hotel rooms rented for the purpose of living quarters or sleeping or housekeeping accommodations. Nothing in this act should be construed as preventing a hotel or motel from maintaining non-smoking rooms.

(2) "Public conveyance" includes buses, taxis, trains, trolleys, airplanes, ferries, boats or other vehicles used to transport the public.

(3) "Government Buildings" means any building or any portion of any building owned by or leased to the state or any political subdivision thereof and used for governmental purposes.

(4) "Public meeting" includes all meetings open to the public unless such meetings are held in a private residence.

(5) "Smoking area" means any designated area meeting the requirements of section 5 of this act.

Section 4. No person shall smoke in a public place or at a public meeting except in designated smoking areas. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the person in charge of the room or hall.

Section 5. Smoking and non-smoking areas may be designated by the person in charge of a public place. A designated smoking area shall use existing physical barriers and ventilation systems shall be used to minimize the effect of smoke in non-smoking areas where possible. However, a smoking area may not be designated in an elevator, school bus, public means of mass transportation, public restroom, hospital emergency room, doctor's or dentist's waiting room, jury deliberation room, conference room less than 1200 square feet in area unless all users of such conference room agree to allow smoking activities, or any place in which smoking is prohibited by law, ordinance or regulation. An employer shall provide an employee with a work space which is not within a designated smoking area upon the employee's request. A patient's room in a hospital, nursing home, or other health care facility may not be designated as a smoking area unless all patients assigned to that room agree that the room may be so designated. No more than one-half of the total square footage in any public place within a single enclosed indoor area used for a common purpose shall be reserved and designated a smoking area.

Section 6. The person in charge of a public place shall conspicuously post or cause to be posted, in any area designated as a smoking area, signs stating that smoking is permitted in such area. Each sign posted pursuant to this section shall have letters not less than one-half inch wide. The color, design, and precise place of posting of such signs shall be left to the discretion of the person in charge of the premises. In order to increase public awareness, the person in charge of a public place may, at his discretion, also post "NO SMOKING" OR "NO SMOKING EXCEPT IN DESIGNATED AREAS" signs as appropriate.

Section 7. Any person who violates section 4, section 5, or section 6 of this act shall, upon conviction, be guilty of a civil fine, not more than fifty dollars. The Alabama Department of Public Health and/or local health departments will be responsible for surveillance of compliance. The Alabama Department of Public Health, local health departments, or any affected party may institute an action to enjoin violations of this act.

Section 8. It shall be unlawful for an employer, other than a physician, other health care provider, or health related business or association to:

(1) refuse to hire or to discharge any individual, or otherwise disadvantage any individual, with respect to compensation, terms, conditions or privileges of employment because the individual is a smoker or non-smoker; or

(2) require as a condition of employment that any employee or applicant for employment abstain from smoking or using tobacco products during nonworking hours, provided the individual complies with applicable laws or policies regulating smoking during working hours;

(3) notwithstanding any other provisions of this article, the sole remedy for any individual claiming to be aggrieved by a violation of section 9 shall be civil action for damages which may include a claim for all wages and benefits deprived the individual by reason of the violation, but which shall not include any claim for mental or emotional suffering or distress or for any other form of non-economic loss or injury.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Waggoner, the Rules were suspended and further consideration of the Bill, SB 309, as amended, was postponed subject to the call of the Chair.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Flowers:

**H. 135.** To amend Section 1-3-8 of the Code of Alabama 1975 relating to the legal holidays in this state; to provide that National Memorial Day shall be a legal holiday in this state; to provide that Columbus Day shall be observed as a state holiday but will not cause state offices to close; to provide that Thomas Jefferson's birthday shall be observed in conjunction with George Washington's birthday; to provide further for the observance of Mardi Gras in this state; and to provide for personal leave days for state employees in lieu of certain holidays.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 135 - to the Committee on Governmental Affairs/State Administration

**BUDGET ISOLATION RESOLUTION**

Senator Little, B.I.R., SB 193, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Sanders, Smith (B), and Windom -22

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 193.** To authorize football coaches of public, four-year institutions of higher learning in this state to participate in the American Football Coaches Retirement Trust 401(k) plan.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Preuitt, Sanders, Smith (B), Waggoner, and Windom -26

Nays:

- 0

**BUDGET ISOLATION RESOLUTION**

Senator Bennett, B.I.R., SB 14, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom -23

Nays:

- 0

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 14.** To provide for a voluntary check-off designation on state income tax returns and franchise tax returns for the 1991 tax year and each year thereafter for support of the indigent offender alcohol and drug treatment trust fund, pursuant to the Mandatory Treatment Act of 1990.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, SB 14, to-wit:

**SUBSTITUTE FOR SB 14**

**A BILL  
TO BE ENTITLED  
AN ACT**

To provide for a voluntary check-off designation on state income tax returns for the 1991 tax year and each year thereafter for support of the indigent offender alcohol and drug treatment trust fund, pursuant to the Mandatory Treatment Act of 1990.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

Section 1. (a) For the tax year beginning January 1, 1991, and every year thereafter, an individual who files an income tax return may designate on the original return that an amount be added to the tax or deducted from the refund that would otherwise be payable by or to that individual and paid into the indigent offender alcohol and drug treatment trust fund pursuant to the Mandatory Treatment Act of 1990.

(b) The department of revenue shall print on the state income tax return forms a space for taxpayers to designate that a contribution be made to the indigent offender alcohol and drug treatment trust fund. The space for designating the contribution shall provide for check-off boxes in the amount of \$1.00, \$5.00, \$10.00 or other dollar amount, commencing for the tax year of 1991 and thereafter.

(c) All funds received by the department of revenue pursuant to the provisions of this section, less costs of administration not to exceed ten percent of the revenue produced, shall be distributed to the indigent offender alcohol and drug treatment trust fund in the state treasury.

(d) Notwithstanding any other provision of law, the revenue department shall have the authority to design the tax forms in order to provide for maximum simplicity for taxpayers and maximum efficiency in enforcement and processing such forms and tax returns.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom -26

Nays:

- 0

And said Bill, SB 14, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Figures, Floyd, Foshee, Hale, Horn, Langford, Little, Mitchell, Owens, Preuitt, Sanders, Smith (B), Waggoner, and Windom -22

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Preuitt, B.I.R., SB 51, adopted.

Yeas 22 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Hale, Horn, Langford, Little, Mitchell, Owens, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom -22

Nay: Senator Corbett

- 1

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 51.** Relating to the Alabama Institute for Deaf and Blind; to provide that the sale or disposal of tangible personal property or standing timber shall be let by competitive public auction or sealed bids; to provide for notice and inspection; to provide for re-advertisement and sale or a negotiated sale in the event bids were inadequate; to provide for the disposition of the proceeds and the continuous appropriation of same; to



provide for civil and criminal penalties; and to provide for retroactive effect and validation.

was taken up.

Senator Preuitt offered the following amendment to the Bill, SB 51, to-wit:

**AMENDMENT TO SB 51**

Amend SB 51, Section 2, Page 2, Line 25, after the word "Blind" by inserting the following:

, with consent of the majority of the board of trustees,

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Figures, Foshee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom  
-24

Nays:

- 0

And said Bill, SB 51, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Hale, Horn, Lindsey, Lipscomb, Little, Owens, Preuitt, Smith (B), Smith (J), and Windom  
-23

Nay: Senator Sanders

- 1

**FURTHER CONSIDERATION OF SB 309, AS AMENDED**

The Senate proceeded to further consideration of the Bill, SB 309. The question was on the Waggoner substitute.

And said substitute was then adopted.

Yeas 19 Nays 3

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton,  
Dial, Ellis, Floyd, Foshee, Hale, Lipscomb, Mitchell, Owens, Sanders,  
Smith (B), Waggoner, and Windom -19

Nays:

Senators:

Corbett, Little, and Preuitt - 3

And said Bill, SB 309, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19 Nays 2

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton,  
Ellis, Floyd, Foshee, Hale, Lipscomb, Mitchell, Owens, Sanders,  
Smith (B), Smith (J), Waggoner, and Windom -19

Nays:

Senators:

Little and Preuitt - 2

### BUDGET ISOLATION RESOLUTION

Senator Bolling, B.I.R., SB 284, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton,  
Dial, Ellis, Floyd, Hale, Lipscomb, Mitchell, Owens, Preuitt, Sanders,  
Smith (B), Smith (J), and Windom -19

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 284.** To amend Section 36-21-7, Code of Alabama 1975, which

provides for reimbursement of the cost of mandated training to the governmental entity that paid for such training where one governmental entity hires law enforcement officers, fire protection personnel or firefighters employed by another governmental entity within 12 months following completion of said training, so as to increase the 12-month period to 24 months; to require reimbursement of training costs, which are mandated by law or necessary to enable an employee to become certified, to the governmental entity that paid for such training where one governmental entity hires ambulance service operators, ambulance drivers, ambulance attendants, ambulance driver-attendants, emergency medical technicians, or water and wastewater operators employed by another governmental entity within 24 months following completion of said training.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 1

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dial, Ellis, Floyd, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuit, Sanders, Smith (B), Smith (J), Waggoner, and Windom -22

Nay: Senator Corbett

- 1

### BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., HB 145, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bedsole, Bolling, Campbell, deGraffenried, Dial, Ellis, Floyd, Ghee, Hale, Horn, Lipscomb, Little, Mitchell, Owens, Preuit, Sanders, Smith (B), Smith (J), Waggoner, and Windom -20

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 145.** Relating to the administration of fiduciary accounts by duly authorized banks and trust companies by requiring timely

investment of idle funds, by setting a quality standard, requiring a reasonable rate of return, providing for compensation and providing for the application of this act to fiduciary accounts now existing or hereafter created.

was read a third time at length and passed.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Floyd, Hale, Horn, Lipscomb, Little, Mitchell, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Wilson, and Windom -21

Nays:

- 0

### BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., SB 97, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hale, Horn, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), Waggoner, Wilson, and Windom -23

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**S. 97.** To authorize the state department of human resources by and through its commissioner, to enter into interstate adoption assistance compacts to provide for medical and other necessary services for special needs children; to provide procedures for interstate adoption assistance payments, including medical payments; and to provide a penalty for the false or fraudulent submission of any claim for payment or reimbursement for services.

was taken up.

The Standing Committee on Public Welfare reported the following amendment to the Bill, SB 97, to-wit:

AMENDMENT TO SB 97

Amend SB 97, on Page 3, Section 5, line 9, as follows:  
by deleting the words "90 days" and substituting in lieu thereof "one year."

Further amend SB 97, Page 4, Section 7, line 16, by inserting a new subsection (b) to read as follows:

(b) The terms of the compact entered into by the Department and addressed in this statute will apply to children who are the subject of a federal adoption assistance agreement. At the Department's option, and in concurrence with the Alabama Medicaid Agency, the state may elect to provide the benefits described in this statute to children who are the subject of a state adoption assistance agreement, in which case the Department of Human Resources will pay the state's share of the cost of Medicaid coverage for children who are the subject of a state adoption assistance agreement and who are also eligible for Medicaid according to applicable federal and state laws and regulations.

Further renumber the following subsections, changing (b) to (c) and changing (c) to (d).

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hale, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom  
-24

Nays:

- 0

And said Bill, SB 97, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Floyd, Hale, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), Waggoner, Wilson, and Windom  
-20

Nay: Senator Sanders

- 1

**BUDGET ISOLATION RESOLUTION**

Senator Owens, B.I.R., SB 105, adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Dial, Floyd, Hale, Horn,  
Lindsey, Lipscomb, Little, Owens, Parsons, Preuit, Smith (B), Wilson,  
and Windom -17

Nay: Senator Sanders

- 1

**BILLS ON THIRD READING RESUMED****THE BILL:**

**S. 105.** To amend Sections 40-1-33, 40-12-390, 40-12-391, 40-12-392, 40-12-394, 40-12-396, 40-12-398 and 40-12-414, Code of Alabama 1975, relating to automotive vehicle dealers, so as to exclude certain license information from general confidentiality provisions, provide further for revocation and denial of licenses, define certain terms, provide further for requiring certain business licenses, increase the surety bonds, increase the penalty for noncompliance, authorize the revenue department to promulgate rules and regulations and to repeal Section 40-12-52, Code of Alabama 1975, which requires a privilege license for automobile salesmen.

was taken up.

The Standing Committee on Small Business reported the following amendment to the Bill, SB 105, to-wit:

**AMENDMENT TO SB 105**

Amend SB 105, on Page 4, by

- (a) deleting the word "buying," on line 17 thereof,
- (b) deleting the word "exchanging," on line 18 thereof,
- (c) adding after the word "entitled" on line 21 thereof the following:

"(other than in connection with the rental or leasing of new motor vehicles by persons engaged in the business of motor vehicle rental and leasing)";

(d) adding, on page 5, line 1, thereof, immediately before the word "motor," the word "'used'"; and

(e) adding, on page 11, line 1, thereof, following the word "act," the following:

"and those other provisions of chapter 12 of Title 40, Code of Alabama 1975, relating to the licensing of automobile and other motor vehicle dealers"

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), Wilson, and Windom -23

Nays:

- 0

And said Bill, SB 105, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19 Nays 1  
Abstaining 1

Yeas:

Senators:

Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Floyd, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), Wilson, and Windom -19

Nay: Senator Sanders

- 1

Abstaining: Senator Preuitt

- 1

## BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., SB 124, adopted.

Yeas 21 Nays 1

Yeas:

Senators:

Bailey, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuit, Smith (B), Wilson, and Windom -21

Nay: Senator Sanders

- 1

### **BILLS ON THIRD READING RESUMED**

#### **THE BILL:**

**S. 124.** To authorize the board of pardons and paroles to appoint outside of the merit system former board members or retired probation and parole officers to serve as special hearing examiners from time to time; to define the powers and duties of special hearing examiners; to provide for reimbursement of certain expenses of special hearing examiners; and to provide immunity from civil actions for performance of duty as special hearing examiners.

was taken up.

### **REPORTS OF COMMITTEES**

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis (With Notice and Proof):

**S. 3.** Relating to Shelby County; to provide an additional county salary to the probate judge for the remainder of the current term of office, which ends in January 1995, for loss of compensation as a result of being relieved of his duties as chairman of the Shelby County commission by a United States federal court order and relinquish use of automobile and expense account now receiving.

By Senator Barron (With Notice and Proof):

**S. 59.** Relating to DeKalb County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes and the issuance of certain licenses under the supervision of an elected county official designated as county revenue commissioner;



providing for the compensation of such official and providing for a referendum.

By Senator Bolling (With Notice and Proof):

**S. 156.** Relating to Lamar County; and to repeal Act No. 81-629, H. 873, 1981 Regular Session (1981 Acts, p. 1046) entitled, "an act relating to Lamar County; to establish a special fund in the county treasury to pay a bounty on beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system."

By Senator Floyd (With Notice and Proof):

**S. 294.** Relating to Etowah County, to provide that the county commission shall have the power to levy and collect additional license or privilege fees upon persons engaging in businesses within the county and to provide for the disposition of the proceeds of such taxes.

By Senator Floyd (With Notice and Proof):

**S. 295.** Relating to Etowah County, authorizing the county governing body to reimburse the tax assessor, tax collector, probate judge and revenue commissioner for losses incurred from certain worthless checks and other instruments; to require said officials insure their employees exercise due care and attempt to collect all funds due; and to provide retroactive effect.

By Senator Floyd (With Notice and Proof):

**S. 329.** Relating to Etowah County, to levy a privilege or license tax on every person engaged in the renting of real estate, to provide for the computation, collection and enforcement of said tax, to provide penalties for failure to pay said tax, to authorize the county commission to promulgate necessary rules and regulations, to provide that said tax information shall be confidential and to provide for the allocation of said tax receipts.

By Senator Barron (With Notice and Proof):

**S. 405.** Relating to Jackson County; providing certain expense allowances for the chairperson and associate members of the Jackson County commission.

By Senator Barron (With Notice and Proof):

**S. 61.** Relating to DeKalb County; imposing an additional

delinquent payment penalty for late payment of the county portion of ad valorem taxes and providing that the proceeds from such additional penalty shall be deposited to the credit of the DeKalb County Rural Water Authority.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Barron (With Notice and Proof) (With Amendment):

**S. 408.** Relating to Jackson County; to amend further Section 1 of Act No. 79-473, S. 639, Regular Session 1979 (Acts 1979, p. 873), as amended, so as to provide further for distribution of funds received by the county from payments made in lieu of taxes made by the Tennessee Valley Authority.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Newman (With Notice and Proof):

**H. 9.** Relating to Lamar County; repealing Act No. 81-629, H. 873, Regular Session 1981 (Acts 1981, p. 1046) entitled "An Act Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty on beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system."

By Rep. Hammett (With Notice and Proof):

**H. 40.** Relating to Covington County; to prohibit the placing of political signs, markers and advertising, on county controlled highways except for those signs or markers placed by or under the authority of the county.

By Rep. White (With Notice and Proof):

**H. 59.** This bill amends Act No. 612, H. B. 1141, 1978 Regular Session, (Acts 1978, p. 869), relating to the creation of the Industrial Development Authority of Escambia County, so as to provide

for additions to the membership of the Authority.

By Rep. White (With Notice and Proof):

**H. 60.** Relating to Escambia County; providing further for expense allowances for the chairman and associate commissioners of the county commission to be paid from the county general fund and expiration date therefor and providing for a certain monthly salary for such chairman and associate commissioners to be effective after the next election with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for such chairman and associate commissioners of the county commission.

By Rep. White (With Notice and Proof):

**H. 61.** Relating to Escambia County; to provide further for the compensation and expense allowance of certain county officials effective October 1, 1991.

By Rep. White:

**H. 63.** Proposing a constitutional amendment to the Constitution of Alabama of 1901, relating to the distribution of oil and gas severance tax revenues in Escambia County, pursuant to Amendment 425 to the Constitution of Alabama of 1901.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Ford (With Notice and Proof):

**H. 115.** Relating to taxation in Etowah County; authorizing the Etowah County Commission to levy either a county gasoline tax not to exceed a certain amount that would remain in effect indefinitely or to levy a certain sales and use tax that would only be in effect from its imposition date until December 31, 1995, providing that whichever county tax is imposed shall be administered, enforced and collected as provided by law by the state revenue department under terms of contract with the county; providing for enforcement penalties; and providing that the proceeds of the revenue raised from whichever tax is so imposed shall be deposited in a special fund in the county treasury to be expended for construction and maintenance of a county jail and renovation of the existing county courthouse.

By Rep. Ford (With Notice and Proof):

**H. 116.** Relating to Etowah County; authorizing the Etowah

County Commission to levy a user fee on the issuance of all motor vehicle license tags for passenger automobiles and trucks of any nature in addition to any and all other charges, costs, taxes or fees levied thereon; and providing for the payment, collection and distribution of the net revenues from such user fees.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time, to-wit:

By Rep. Holladay:

**H. 311.** To propose an amendment to the Constitution of Alabama of 1901; to authorize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in St. Clair County and to levy a fee on each bingo card sold and to provide for the distribution of the proceeds of said fee.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Holladay (With Notice and Proof):

**H. 312.** Relating to St. Clair County; to provide for the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational or other lawful purposes; to provide for permits or licenses, applications, forms and contents to operate bingo; to provide for special permits or licenses; to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama of 1901 authorizing bingo in St. Clair County.

### **BILLS REFERRED**

Pursuant to the provisions of Senate Rule 51, the President and Presiding Officer of the Senate ordered said Bills, HB's 311 and 312, referred to the Standing Committee on State Development and Tourism.

**REPORTS OF COMMITTEES RESUMED**

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. White (With Notice and Proof):

**H. 384.** Relating to Escambia County; authorizing the county commission to levy an additional or ad valorem tax to be used for educational purposes and providing for a referendum for approval of the tax by the qualified electors of the county.

By Rep. Millican (With Notice and Proof):

**H. 446.** Relating to Marion County; to provide further for expense allowances for the chairman and associate commissioners of the county commission; and to provide for retroactive effect.

By Rep. Melton (With Notice and Proof):

**H. 454.** Relating to the office of chief deputy sheriff in Tuscaloosa County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; and to authorize the sheriff of Tuscaloosa County to appoint the chief deputy sheriff.

By Rep. Melton (With Notice and Proof):

**H. 524.** Relating to Tuscaloosa County; abolishing the office of constable.

By Reps. Freeman and Hall (With Notice and Proof):

**H. 571.** To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County so as to exclude certain territory from the city.

Senator Preuitt, Chairperson of the Standing Committee on Rules, reported that the following Bill has been returned to the end of the Regular Order Calendar, to-wit:

By Senators Windom, Bedsole, Denton, Dixon, Hale, Waggoner, Ellis, Bailey, Wilson, Lindsey, and Lipscomb:

**S. 39.** To provide for immunity for certain persons responding to certain oil spills.

#### **ADJOURNMENT**

At 5:03 P.M., on motion of Senator Hale, in accordance with Motion heretofore adopted and pending further consideration of the Bill, SB 124, the Senate adjourned until Tuesday, May 21, 1991, at 2 o'clock P.M.

## **ELEVENTH LEGISLATIVE DAY**

**TUESDAY, MAY 21, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Billy Duncan, Pastor, Highland Avenue Baptist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Kim Williams, Robert E. Lee High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Tenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senators Campbell and Langford for today.

**MOTION TO ADJOURN**

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Thursday, May 23, 1991, at 11 o'clock A.M., which motion was adopted.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills and finds same correctly engrossed, to-wit:

**S. 14.** To provide for a voluntary check-off designation on state income tax returns for the 1991 tax year and each year thereafter for support of the indigent offender alcohol and drug treatment trust fund, pursuant to the Mandatory Treatment Act of 1990.

Also:

**S. 51.** Relating to the Alabama Institute for Deaf and Blind; to provide that the sale or disposal of tangible personal property or standing timber shall be let by competitive public auction or sealed bids; to provide for notice and inspection; to provide for re-advertisement and sale or a negotiated sale in the event bids were inadequate; to provide for the disposition of the proceeds and the continuous appropriation of same; to provide for civil and criminal penalties; and to provide for retroactive effect and validation.

Also:

**S. 58.** To create the Respiratory Care Act and to provide for definitions, qualifications, examination, and licensing of persons



administering respiratory care and for waivers from examination and licensing; to provide for the powers, duties and responsibilities of the Alabama State Board of Respiratory Care; to provide for the appointment, term, qualification and meetings of the board; to create a special fund for receipts collected by the board; to provide for the administration of said fund; to make appropriations from the Alabama State Board of Respiratory Care Fund to the Alabama State Board of Respiratory Care; to provide for issuance and renewal of licenses and temporary licenses; to provide for prohibited acts and penalties; to provide for fees; to provide for causes and procedures for disciplinary action; to prohibit false representation of licensure; to provide criminal penalties for certain violations; to provide for exemptions; and to provide for related matters.

Also:

**S. 96.** To amend Sections 7-1-201, 8-25-1 and 8-25-3, Code of Alabama 1975, relating to rental-purchase agreements and the Alabama Uniform Commercial Code, so as to exclude such agreements from coverage of the Alabama Uniform Commercial Code provisions relating to security interests and to authorize certain practices by rental-purchase merchants.

Also:

**S. 97.** To authorize the state department of human resources by and through its commissioner, to enter into interstate adoption assistance compacts to provide for medical and other necessary services for special needs children; to provide procedures for interstate adoption assistance payments, including medical payments; and to provide a penalty for the false or fraudulent submission of any claim for payment or reimbursement for services.

Also:

**S. 111.** To provide for licensure and regulation of the home building industry; to provide for examination and issuance of licenses; to provide for the Home Builders Licensure Board; to provide for licensing fees and penalties for violations; to authorize said board to prescribe administrative rules and regulations; to provide for revocation of licenses; to prescribe appellate procedure for board decisions and to exempt certain persons and entities from this act.

Also:

**S. 309.** To create the "Alabama Clean Indoor Air Act," to protect the public health, comfort and environment and promote the above by reducing involuntary exposure to tobacco smoke in public places.

**JIM PREUITT,**  
Chairperson.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Windom:

**S. 520.** To amend Section 22-22-14, Code of Alabama 1975, which relates to the Alabama Water Pollution Control Act, so as to conform the state criminal penalties with the penalties of the Federal Clean Water Act.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senator Bedsole:

**S. 521.** To amend Sections 2-14-1, 2-14-2, 2-14-3, 2-14-4, 2-14-5, 2-14-6, 2-14-9, 2-14-10, 2-14-11, 2-14-12, 2-14-13 and 2-14-14, Code of Alabama 1975, relating to honeybees and apiaries, so as to change the term "infectious and contagious diseases" to "pests"; to provide further for registration fees and to prohibit the introduction of certain honeybees into the state.

Committee on Agriculture,  
Conservation, and Forestry

By Senator Bedsole:

**S. 522.** To authorize the state Docks Department to use funds for a safety incentive program.

Committee on Industrial  
Development and Expansion

By Senator Lindsey:

**S. 523.** To amend Section 15-22-54 of the Code of Alabama

1975, relating to arrest and disposition of person violating terms of probation so as to allow the execution of a sentence be maintained, amended or revoked; and to provide that the court may modify the imprisonment period originally pronounced.

Committee on Judiciary/Civil

By Senator Parsons:

**S. 524.** To amend sections 16-9-1, 16-9-2, and 16-9-12, Code of Alabama 1975, and repeals sections 16-9-4, 16-9-5, 16-9-6, 16-9-7, 16-9-8 and 16-9-9, Code of Alabama 1975, relating to county boards of education, so as to require county boards of education to appoint county superintendents of education and to establish implementation procedures.

Committee on Governmental  
Affairs/Local Government

By Senator Parsons:

**S. 525.** To provide for the protection of wellhead areas from contamination by landfills until a state wellhead protection program is adopted and approved.

Committee on Energy  
and Natural Resources

By Senator Parsons:

**S. 526.** To amend Section 22-22-14, Code of Alabama 1975, which relates to the Alabama Water Pollution Control Act, so as to conform the state criminal penalties with the penalties of the Federal Clean Water Act.

Committee on Energy  
and Natural Resources

By Senator Bennett:

**S. 527.** To amend Sections 22-30-12 and 22-30-19, Code of Alabama 1975, which pertain to the hazardous waste permit program, so as to mandate the filing of a compliance history disclosure statement by permit applicants, to prevent the issuance of permits if the applicant has been convicted of a felony and to provide that noncompliance with environmental protection laws is a ground for the revocation of any

permit.

Committee on Commerce,  
Transportation, and Utilities

By Senator Foshee:

**S. 528.** To authorize the Attorney General of Alabama to issue subpoenas.

Committee on Judiciary/Civil

By Senator Bennett:

**S. 529.** To amend Sections 22-27-5 and 22-27-7, Code of Alabama 1975, which relate to the permit requirements of the Solid Wastes Disposal Act, so as to provide further for the issuance of such permits.

Committee on Commerce,  
Transportation, and Utilities

By Senator Bailey:

**S. 530.** To provide a simplified procedure for the amendment of certificates of incorporation or certificates of reincorporation of health care authorities in order to authorize every health care authority to increase the number of members on its board of directors and provide for their appointment.

Committee on Health

By Senator Bailey:

**S. 531.** To provide that child victims of criminal offenses shall be considered competent witnesses.

Committee on Judiciary/Criminal  
Justice and Public Safety

By Senators Windom and Foshee:

**S. 532.** To amend Section 37-1-18, Code of Alabama 1975, so as to provide that representation of utility consumers and agencies of state government shall be the responsibility of the office of the attorney

general and transfer funds to the office of the attorney general to enable such representation.

Committee on Judiciary/Civil

By Senator Ghee:

**S. 533.** To require each person who discharges water pollution directly into the waters of the state and who possesses a water pollution control permit, to post a conspicuous sign near the point of discharge informing the public of any toxic pollutants contained in such discharges.

Committee on Commerce,  
Transportation, and Utilities

By Senator Barron:

**S. 534.** To authorize certain state instrumentalities or agencies to contract with the State Employees Insurance board to provide certain insurance coverage.

Committee on Local  
Legislation No. 1

By Senator Horn:

**S. 535.** To create a Permanent Joint Legislative Committee on Finances and Budgets, to meet during the interim periods between regular sessions of the Legislature; and to provide for its duties, powers, membership and compensation.

Committee on Finance  
and Taxation

By Senator Smith (J) (With Notice and Proof):

**S. 536.** Relating to Madison County; to amend Section 1 of Act No. 80-277, H. 117, 1980 Regular Session, as amended, which provides for the distribution of TVA payments, so as to provide further for such distribution.

Committee on Local  
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB

536, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Bolling and Barron:

**S. 537.** To authorize licensed pharmacists to refill a prescription for up to a 72-hour supply, when they are unable to readily obtain refill authorization from the prescriber.

Committee on Consumer Affairs

By Senators Mitchell, Foshee, Lipscomb, deGraffenried, Owens, Denton, Smith (J), Bedsole, Smith (B), Mitchem, Little, Bolling, Dial, and Preuit:

**S. 538.** Providing for a construction industry craft training program in state-supported vocational, technical and trade schools and other facilities for training potential workers with necessary skills for success in this industry; providing that such program shall be supervised and administered by a board of directors; prescribing the composition, term, duties and authority of such board; imposing a certain surcharge on certain construction industry building permits to finance this program; providing for the collection, administration and disposition of such surcharges; authorizing said board to promulgate and implement administrative rules and procedures to carry out the provisions of this act; and providing that this act shall become effective on October 1, 1991.

Committee on Governmental  
Affairs/State Administration

By Senators Dial, Owens, Little, Bolling, Denton, Bedsole, Smith (B), Ghee, Hale, Floyd, Ellis, Lipscomb, Dixon, deGraffenried, Figures, Sanders, and Bailey:

**S. 539.** To establish the Alabama Racing Commission to regulate the operation of horse and greyhound racing and pari-mutuel wagering thereon; to define certain terms; to provide for the composition of and appointments to the commission; to provide for meetings and rule making of the commission; to provide for the powers and duties of the commission; to provide for the licensing of horse and greyhound racing facilities; to provide for appeals from decisions of the commission; to provide for certain exemptions; to provide for application fees; to provide

for the complete financial disclosure of information from owners and operators of racing facilities and all applicants; to provide for pari-mutuel wagering on horse and greyhound racing; to provide for a state horse or greyhound racing fee and for its distribution and for a horse or greyhound wagering fee and for its distribution; to provide for charity racing days and the distribution of proceeds therefrom; to provide for certain televised simulcast programming of horse racing events; to provide for the establishment of the Alabama Racing Commission Breeding and Development Fund; to provide for the distribution of all funds, fees and moneys received by the commission; to exempt the commission from the provisions of the Alabama Administrative Procedure Act; and to abolish certain local racing commissions.

Committee on State Development  
and Tourism

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Turnham:

**HJR 182. COMMENDING SARA FRANCES GROGAN CRUMPTON UPON RETIREMENT FROM STATE SERVICE, JULY 1, 1991.**

Also:

By Reps. Carothers, Beasley, and Mathis:

**HJR 184. MOURNING THE DEATH OF REVEREND WILLIE F. THOMPSON OF DOTHAN, ALABAMA.**

Also:

By Rep. Millican:

**HJR 185. COMMENDING ROY BRANDON FRAZIER OF HALEYVILLE, ALABAMA, ON OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENTS.**

Also:

By Reps. McMillan and Penry:

**HJR 186. COMMENDING GEORGE PERVY THAMES, BALDWIN COUNTY MAN OF THE YEAR FOR 1990.**

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

On motion of Senator Dixon, the Rules were suspended and the Resolutions, HJR's 182, 184, 185, and 186, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Flowers and Laird:

**HJR 183. ADVISING CONGRESS OF THE LEGISLATURE'S STANCE REGARDING CERTAIN PROVISIONS OF THE MCCARRAN-FERGUSON ACT OF 1945.**

WHEREAS, Congress and the President enacted the McCarran-Ferguson Act of 1945 to assure the continuance of strong insurance markets to serve consumers and business and to encourage economic growth; and

WHEREAS, a fundamental provision of that act is the limited anti-trust exemption afforded the business of insurance; and

WHEREAS, that limited exemption has allowed for strong state regulation of insurance premium rates through prior approval or price competition; and

WHEREAS, that limited exemption has allowed state legislatures to establish Fair Access to Insurance Requirements (FAIR) plans which have made essential fire and other insurances available to inner city residents and businesses; and

WHEREAS, that limited exemption has allowed for the establishment of Market Assistance Programs (MAPs) which have helped Main Street businesses and municipal governments obtain essential liability insurance, especially during the insurance crisis of 1985-86; and

WHEREAS, the limited exemption has allowed for the cost efficient sharing of data, thereby helping new and smaller businesses to compete for customers with established and larger insurers and, thereby, encouraging economic growth and employment opportunities as well as



increased marketplace competition benefitting consumers; and

WHEREAS, other organizations of state legislators including the National Conference of State Legislators (NCSL), the Council of State Governments (CSG), the American Legislative Exchange Council (ALEC), the National Conference of Insurance Legislators (NCOIL) and the National Black Caucus of State Legislators (NBCSL) have each adopted similar resolutions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature favors continuance of the limited anti-trust exemption for the business of insurance as presently provided in the McCarran-Ferguson Act of 1945, and opposes H.R. 9/S. 430.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded forthwith to each member of the Alabama Congressional Delegation.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The Resolution, HJR 183, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Turnham, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable,

Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 181. RECOGNIZING THE FAMILIES OF ALABAMA'S MILITARY PERSONNEL WHO SERVED IN DESERT SHIELD/DESERT STORM, AND DESIGNATING A DAY OF TRIBUTE IN THEIR HONOR.**

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

On motion of Senator Dixon, the Rules were suspended and the Resolution, HJR 181, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carter:

### HJR 180. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, May 16, 1991, they adjourn to meet again on Tuesday, May 21, 1991.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

On motion of Senator Dixon, the Rules were suspended and the Resolution, HJR 180, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Knight:

**HJR 76. ESTABLISHING A HIGHER EDUCATION TASK FORCE TO REVIEW, EVALUATE AND RECOMMEND LEGISLATIVE REFORMS NEEDED TO ACCOMPLISH A UNIFIED FINANCIAL AID PACKAGE FOR ALABAMA CITIZENS.**

WHEREAS, the Legislature of Alabama notes that the Alabama Commission on Higher Education shall serve in an advisory capacity to the Legislature and the Governor in respect to all matters pertaining to state funds for the operation and the allocation of funds for capital improvements of state supported institutions of higher education; and

WHEREAS, there is growing interest in providing qualified college-bound students with financial assistance; and

WHEREAS, there are numerous scholarship and grant programs being provided by this Legislature throughout the Special Educational Trust Fund budget; and

WHEREAS, the Alabama Commission on Higher Education is the state's designated agency for the Guaranteed Student Loan Program and already administers some of these student financial assistance programs; and

WHEREAS, Act No. 90-95, HJR 168, 1990 Regular Session, requested that the Alabama Commission on Higher Education provide an analysis of the state supported student financial assistance available to students and prospective students of institutions of higher learning and recommendations about the adequacy of these financial aid programs; and

WHEREAS, the Alabama Commission on Higher Education provided the requested analysis in June 1990, which indicated that because the various student financial assistance programs were established at different times and for different purposes, the goals and funding for these programs are not coherent and balanced; and

WHEREAS, the overall program of support for student financial assistance programs should be planned and consistent with current needs of society and the students; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby established a higher education task force to review and evaluate student**

financial assistance and recommend legislative reforms needed to accomplish a unified financial aid package for Alabama citizens.

BE IT FURTHER RESOLVED, That the task force shall consist of one member of the House of Representatives to be appointed by the Speaker; one member of the Senate to be appointed by the Lieutenant Governor; the Chancellor of the Alabama Department of Postsecondary Education or his designee; the Executive Director of the Alabama Commission on Higher Education or his designee; the Chairman of the Pre-Paid Tuition Board or his designee; the President of the Council for the Advancement of Private Colleges in Alabama or his designee; and the President of the Alabama Association of Student Financial Aid Administrators.

RESOLVED FURTHER, That a copy of this resolution be provided forthwith to the Alabama Commission on Higher Education.

#### AMENDMENT TO HJR 76

Amend HJR 76, on Page 2, Line 21, after the words "Lieutenant Governor;" by inserting the following language:  
Chairman of the Council of Presidents or his designee;

GREG PAPPAS,  
Assistant Clerk.

#### HOUSE MESSAGE

The Resolution, HJR 76, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McKee, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry,

Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 199. COMMEMORATION OF THE BICENTENNIAL OF THE BILL OF RIGHTS.**

GREG PAPPAS,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Dixon, the Rules were suspended and the Resolution, HJR 199, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

**H. 95.** To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care institutions so as to include hospices; and to provide further for the composition of the advisory board and the power of certain board members.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 95 - to the Committee on Governmental Affairs/State Administration

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Starkey:

**H. 79.** To amend Section 11-43-80, Code of Alabama 1975, which authorizes a municipal governing body to employ the mayor as superintendent of the municipal utility system, so as to authorize said municipal governing body to establish the mayor's compensation for serving in such position.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 79 - to the Committee on Governmental Affairs/Local Government

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (W) and Buskey (JE):

**H. 429.** To amend Section 11-43C-21, Code of Alabama 1975, relating to the powers of the council under the mayor-council form of government for Class 5 municipalities, so as to provide further that the council shall have the power to appoint certain employees to serve the council.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 429 - to the Committee on Governmental Affairs/Local Government

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (W) and Buskey (JE):

**H. 428.** To amend Section 11-43C-52, Code of Alabama 1975, relating to certain procedures under the mayor-council form of government for Class 5 municipalities, so as to provide further for the vote to override a line item veto of the mayor.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 428 - to the Committee on Governmental Affairs/Local Government

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following Bill:

By Rep. Buskey (JE):

**H. 57.** To amend §27-8-10, Code of Alabama 1975, so as to reduce the waiting period for a person who failed to pass two examinations for licensing as a life or disability insurance agent; to reduce said waiting period for a person being examined for licensing as a property and casualty agent pursuant to §27-7-10, Code of Alabama 1975; and to expressly repeal §27-7-16, Code of Alabama 1975.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 57 - to the Committee on Economic Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson:

**H. 333.** To amend section 38-2-6, Code of Alabama 1975, relating to the duties, powers and responsibilities of the Alabama state department of human resources, so as to provide for establishing rules and standards for inspection and approval of adult foster care homes and adult day care centers and homes.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 333 - to the Committee on Public Welfare

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Buskey (JE), Grayson, and McDowell:

**H. 352.** To amend Section 17-8-25, Code of Alabama 1975, relating to the number of ballots to be provided for each voting place, so



as to decrease the required number.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 352 - to the Committee on Constitution and Elections

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Zoghby:

**H. 477.** To authorize state agencies an administrative option to require the timely electronic remittance of immediately available funds by any person, corporation or partnership required to satisfy an obligation due any agency of the state of Alabama amounting to one hundred thousand dollars (\$100,000) or more effective January 1, 1992, fifty thousand dollars (\$50,000) or more effective January 1, 1993 and twenty-five thousand dollars (\$25,000) or more effective January 1, 1994; establishes the date from which penalties and interest will be computed; and authorizes the promulgation of rules and regulations governing the manner in which such payments shall be made.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 477 - to the Committee on Banking and Insurance

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**S. 293.** Relating to Mobile County; to amend Sections 1 through 9 of Act No. 974, S. 384, Regular Session 1961 (Acts 1961, p. 1550 et seq.); to confer on the Probate Courts of the county general and equity jurisdiction over certain estates concurrent with that of the Circuit Courts; to provide for the powers and authority of the Probate Judges and Chief Clerks of such Probate Courts; and to provide for the pleading and procedure in such estates, the enforcement of orders, judgments and decrees and appeals of same.

GREG PAPPAS,  
Assistant Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Penry and McMillan (With Notice and Proof):

**H. 470.** Relating to the City of Gulf Shores in Baldwin County, so as to alter, rearrange and extend the boundary lines and corporate limits of the City of Gulf Shores.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 470, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

Also:

By Reps. McMillan and Penry (With Notice and Proof):

**H. 564.** Relating to Baldwin County, providing further for the mileage reimbursement for the members of the county commission and providing for a retroactive effect.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 564, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

*GREG PAPPAS,  
Assistant Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 470 and 564 - to the Committee on Local Legislation  
No. 1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Buskey (JL):

**H. 161.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the state licensing board for general contractors with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: section 34-8-2 to provide further for license and renewal fees and a late renewal penalty; section 34-8-4 to authorize administrative fines by the board for violations of chapter 8, Title 34 and for violations of the board's rules and regulations; and Section 34-8-25 to authorize the secretary-treasurer to certify vouchers of the board without the Governor's approval.

**GREG PAPPAS,**  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 161 - to the Committee on Economic Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Buskey (JL):

**H. 164.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of funeral service with certain modifications; to amend the section of the Code of Alabama 1975, to authorize the board to establish a reasonable examination fee for preparing and administering examinations of the board's applicants.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 164 - to the Committee on Economic Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Buskey (JL):

**H. 165.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the hearing aid dealers licensing board with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-14-1 to provide further definitions regarding apprentice permits and hearing aid fitters and dispensers; 34-14-2 to require retail sellers of hearing aids to have a licensed dispenser on their staff; 34-14-3 and 34-14-4 to provide further for licensing requirements of dispensers and fitters; 34-14-6 to provide further for the license renewal fees for fitters and dispensers; 34-14-7 to provide for the requirements and issuance of an apprentice permit; 34-14-8 to allow notices of the state board to be mailed to licensees; 34-14-9 to provide for complaints and disciplinary actions against apprentices; 34-14-10 to require certain information on the receipt of sale of hearing aids; 34-14-11 and 34-14-30 to provide further for the membership and powers of the state board.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 165 - to the Committee on Economic Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Buskey (JL):

**H. 163.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of occupational therapy with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-39-14 to provide further for the assessment and collection of costs relating to hearings of the board which result in the suspension, revocation or refusal to issue a license; 34-39-16 to provide further for the hearing of evidence and appeal process for hearings and actions of the board; and 41-20-3 to provide that the board shall be an enumerated state agency under the state sunset statute and to delete references to enumerated agencies which are no longer in existence.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 163 - to the Committee on Economic Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Buskey (JL):

**H. 160.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the board for registration of architects with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: section 34-2-33 to provide a grace period for renewal of licenses in order to avoid a penalty payment; section 34-2-34 to authorize the board to issue reprimands and levy administrative fines for violation of chapter 2, Title 34 or the rules and regulations of the board and to provide an appeal procedure for such disciplinary actions; section 34-2-39 to require a program of continuing education; and section 34-2-40 to provide that the secretary of the board may be a licensee of the board.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 160 - to the Committee on Economic Affairs

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Buskey (JL):

**H. 162.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the polygraph examiners board with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-25-36 to make fees apply to all governmental polygraph examiners and to provide further for certain fees; and 34-25-29 to provide for a mandatory continuing education program by the board.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message

from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 162 - to the Committee on Economic Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Buskey (JL):

**H. 159.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners of landscape architects with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: Section 34-17-5, to authorize disciplinary actions by the board for violations of chapter 17, Title 34, and rules and regulations of the board; Section 34-17-20, to require a program of continuing education; Section 34-17-21, to require applicants to have completed certain educational or practical requirements prior to applying for certification by the board and to provide further for temporary certificates of the board; and Section 34-17-25, to provide further for certain fees of the board.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 159 - to the Committee on Economic Affairs

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Freeman:

**H. 109.** To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to provide for the per diem allowance and mileage allowance for persons traveling on state business.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 109 - to the Committee on Governmental Affairs/State Administration

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Warren (With Notice and Proof):

**H. 588.** Relating to Monroe County; to provide for a temporary expense allowance for the sheriff of Monroe County and for an expiration date thereof; to provide for an adjustment in said compensation; to provide for the manner in which such compensation shall be paid; and to provide for enactment dates for such expense allowance and salary.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 588, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Assistant Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,  
Assistant Clerk.



**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 588 - to the Committee on Local Legislation No. 1**

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Buskey (JL):

**H. 166.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of registration for professional engineers and land surveyors, with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-11-8 to increase individual license fees to require a continuing education program for individual licensees of the board and to prescribe a late renewal penalty for corporate licensees; 34-11-9 to require corporate licensees to obtain approval of their corporate charter prior to obtaining a corporate certificate of license and 34-11-36 to provide for the position of assistant executive director.

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 166 - to the Committee on Economic Affairs**

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gullatt, Higginbotham, and Beasley:

**H. 170.** To amend Section 40-16-6, Code of Alabama 1975, which relates to the payment and distribution of financial institution excise taxes, so as to permit all incorporated municipalities to levy privilege license taxes on financial institutions.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 170 - to the Committee on Governmental Affairs/Local Government

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

### HJR 198. SETTING JOINT SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 1:30 P. M. on May 28, 1991, for the purpose of hearing the message of the General William S. Chen and General John (Jack) S. Peppers pursuant to HJR 128, 1991 Regular Session.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The Resolution, HJR 198, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Starkey:

**HJR 162. NAMING THE "W. C. HANDY MEMORIAL HIGHWAY."**

GREG PAPPAS,  
Assistant Clerk.

**HOUSE MESSAGE**

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, HJR 162, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Morrow:

**HJR 170. COMMENDING TIMOTHY D. BARNETT OF HALEYVILLE, ALABAMA, ON OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENTS.**

Also:

By Rep. Morrow:

**HJR 171. COMMENDING MARK FANCHER OF RED BAY HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.**

Also:

By Rep. Newton (C):

**HJR 172. MOURNING THE DEATH OF DR. JAMES HILLIARD DUNKLIN, III, OF GREENVILLE, ALABAMA.**

Also:

By Rep. Blakeney:

**HJR 173. COMMENDING THE DEMOPOLIS ACADEMY  
GENERALS ON THEIR STATE FOOTBALL CHAMPIONSHIP.**

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The Resolutions, HJR's 170, 171, 172, and 173, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hamilton:

**HJR 169. COMMENDING THE LAUDERDALE COUNTY  
HIGH SCHOOL GIRLS BASKETBALL TEAM AS THE 1991 STATE  
3A GIRLS CHAMPIONS.**

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The Resolution, HJR 169, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. White:

**HJR 164. COMMENDING DALE T. GARNER OF BREWTON,**

ALABAMA, ON HIS OUTSTANDING CAREER IN THE FIELD OF EDUCATION.

Also:

By Rep. Clay:

**HJR 166.** COMMENDING JAMES MARTIN OF TUSKEGEE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

By Rep. Millican:

**HJR 167.** COMMENDING TONYA TICE OF HAMILTON, ALABAMA, ON OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENTS.

Also:

By Rep. Millican:

**HJR 168.** COMMENDING CHET FRAZIER OF BRILLIANT, ALABAMA, ON OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENTS.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The Resolutions, HJR's 164, 166, 167, and 168, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to a promotion in the Army National Guard.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 21st day of May, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have promoted, subject to your confirmation, BG Larry E. Lee from Ohatchee, Alabama, to the status of Major General in the Army National Guard. The promotion will be effective June 24, 1991.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of May, 1991.

#### **GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to a promotion in the Army National Guard, was read and referred to the Standing Committee on Confirmations.

#### **MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to a promotion in the Army National Guard.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 21st day of May, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I have promoted, subject to your confirmation, BG James E. Moore from Florence, Alabama, to the status of Major General in the Army National Guard. This promotion was effective December 7, 1990.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of May, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a promotion in the Army National Guard, was read and referred to the Standing Committee on Confirmations.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kvalheim, Zoghby, Rockhold, Harper, Gaston, Buskey (JE), Clark (W), and Box:

**H. 687.** To propose an amendment to the Constitution of 1901, to authorize certain investments of the assets of Class 2 municipality police and fire fighter pension plans.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**HB 687 - to the Committee on Local Legislation No. 3**

(The above Bill was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McMillan and Penry (With Notice and Proof):

**H. 473.** Relating to Baldwin County; to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county; to provide for the collection and payment of such taxes and to provide for the distribution and the use of the funds derived therefrom; to authorize the Baldwin County Commission to make reasonable rules and regulations for the collection of such taxes; to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Baldwin County Commission for the collection of said taxes; and to authorize the county commission to levy two separate one-cent motor fuel taxes in the future.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 473, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 473 - to the Committee on Local Legislation No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:



By Rep. Lindsey:

**H. 314.** To amend Section 11-45-2, Code of Alabama 1975, so as to provide that in all towns and in cities of less than 12,000 population, no ordinance or resolution, intended to be of permanent operation shall be valid unless, on its final passage, a majority of the members elected to the council, including the mayor, shall vote in its favor.

GREG PAPPAS,  
Assistant Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 314 - to the Committee on Governmental Affairs/Local Government

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Laird (With Notice and Proof):

**H. 577.** To alter, rearrange and extend the boundary lines and corporate limits of the Town of Wedowee in Randolph County, so as to include the industrial park.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 577, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Rep. Parker (P) (With Notice and Proof):

**H. 578.** Providing further for the compensation and expense

allowances or other benefits of the superintendent of education of Morgan County upon the expiration of the current term of office; repealing conflicting laws or parts of laws; and specifically repealing Act. No. 87-257, H. 183, 1987 Regular Session (Acts 1987, p. 360).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 578, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

Also:

By Reps. Blakeney and Dolbare (With Notice and Proof):

**H. 589.** Relating to Clarke County; providing further for an expense allowance for members of the county commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 589, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,  
Clerk.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 577, 578, and 589 - to the Committee on Local Legislation  
No. 1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Laird:

**HJR 202. MEMORIALIZING THE CONGRESS TO WORK WITH THE ADMINISTRATION AND BUSINESS COMMUNITY TO ACHIEVE A FAIR AND REASONABLE URUGUAY ROUND TRADE AGREEMENT.**

WHEREAS, the General Agreement on Tariffs and Trade (GATT) Uruguay Round would eliminate the Multi-Fiber Arrangement (MFA) over the next ten years; and

WHEREAS, the Uruguay Round's textile proposal would result in the elimination of an estimated 1.4 million American textile and apparel jobs, including the loss of nearly 74,000 such jobs in Alabama; and

WHEREAS, any GATT trade agreement negotiated by appointed officials within the executive branch should be fully debated in Congress by the elected representatives of the American people; and

WHEREAS, the fast-track procedures deny Congress the opportunity to have its proper input into international trade agreements, as provided by Article 1, Section 8 of the Constitution which states, "The Congress shall have the power to regulate commerce with foreign nations"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the Members of Congress from Alabama do fully exercise their constitutional responsibility to examine all elements of a Uruguay Round GATT agreement and to amend it where necessary to protect the jobs of the approximately 100,000 Alabamians employed in the textile, apparel, fiber and related industries.

BE IT FURTHER RESOLVED, That in order to accomplish this objective, the Alabama Legislature urges the members of the United States Senate and the United States House of Representatives to vote against the extension of fast-track authority beyond its scheduled June 1, 1991, expiration date.

RESOLVED FURTHER, That the Alabama Legislature calls on Congress, the Administration and the business community to work together to achieve a fair and reasonable Uruguay Round trade agreement.

FURTHER RESOLVED, That a copy of this resolution be forwarded to each member of the Alabama Congressional Delegation.

GREG PAPPAS,  
Clerk.

## HOUSE MESSAGE

The Resolution, HJR 202, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Laird:

**HJR 201. MEMORIALIZING THE CONGRESS TO SUPPORT THE RENEWAL AND CONTINUATION OF THE BERRY-HEFNER AMENDMENT.**

WHEREAS, for over forty years the Berry-Hefner Amendment has required the United States Department of Defense to buy U. S.-made textiles, apparels and textile products; and

WHEREAS, the Berry-Hefner Amendment has been annually reviewed by the United States Congress and found to be in America's strategic interests; and

WHEREAS, the recent success of Operation Desert Storm has demonstrated the clear need for a strong American defense industrial base in textiles; and

WHEREAS, the Alabama Legislature is greatly concerned over the Administration's failure to include the Berry-Hefner Amendment in its proposed fiscal year 1992 budget; and

WHEREAS, if the Berry-Hefner Amendment is not renewed, many American textile and apparel companies would suffer, there would be increased unemployment in the domestic textile and apparel industries, and America's defense industrial base would be seriously damaged; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we herein express this body's belief that a strong defense industrial base in textiles is vital to our Armed Forces, as shown by the success of Operation Desert Storm.

BE IT FURTHER RESOLVED, That the Alabama Legislature expresses its support for maintaining the existing law requiring the Defense Department to purchase U. S.-made textiles, apparels, and textile products, without any changes.

RESOLVED FURTHER, That the Alabama Legislature urges Congress to continue to oppose any and all efforts to modify or repeal the Berry-Hefner Amendment and to include a strong Berry-Hefner Amendment in the fiscal year 1992 Defense Appropriation Act.

FURTHER RESOLVED, That a copy of this resolution be forwarded to each member of the Alabama Congressional Delegation.

GREG PAPPAS,  
Clerk.

### HOUSE MESSAGE

The Resolution, HJR 201, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 79. MOURNING THE DEATH OF JUDGE JAMES A. AVARY OF LANETT, ALABAMA.**

Also:

**SJR 81. RENAMING THE "STATE OFFICE BUILDING" THE "LURLEEN B. WALLACE OFFICE BUILDING."**

Also:

**SJR 82. RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.**

Also:

**SJR 84. COMMENDING DWIGHT CARLISLE OF ALEXANDER CITY FOR DISTINGUISHED SERVICE AS PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE**

RUSSELL CORPORATION.

GREG PAPPAS,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**SJR 71. MOURNING THE DEATH OF ROY LEE MULLINS OF RUSSELLVILLE, ALABAMA.**

Also:

**SJR 74. COMMENDING LAWRENCE COUNTY AS THE "COUNTY OF CHAMPIONS."**

Also:

**SJR 75. COMMENDING KELLY D. CAIN OF SOMERVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.**

Also:

**SJR 76. NAMING THE STATE PRISON AT BESSEMER, ALABAMA, THE "WILLIAM E. DONALDSON CORRECTIONAL FACILITY."**

Also:

**SJR 78. RECOGNIZING THE FAMILIES OF ALABAMA'S MILITARY PERSONNEL WHO SERVED IN DESERT SHIELD/DESERT STORM, AND DESIGNATING A DAY OF TRIBUTE IN THEIR HONOR.**

Also:

**SJR 80. COMMENDING SARA FRANCES GROGAN CRUMPTON UPON RETIREMENT FROM STATE SERVICE, JULY 1, 1991.**

GREG PAPPAS,  
Clerk.

**REPORT FROM RULES**

Senator Preuitt, Chairperson of the Standing Committee on Rules, reported that the following Bill has been returned to the end of the Regular Order Calendar for today, to-wit:

By Senator Langford:

**S. 318.** Providing group health insurance for certain retired judges of probate in the state employees group health insurance plan and providing that such retired judges shall pay the entire cost for having such group health insurance during retirement.

Which was read and filed with the Secretary.

**REPORTS OF COMMITTEES**

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Corbett:

**S. 456.** To amend Section 11-43-143, Code of Alabama 1975, which relates to the right of firefighters to become members of labor organizations, so as to provide further for the submission to governing bodies of proposals relative to salaries.

By Senator Foshee:

**S. 461.** To amend Sections 41-4-180, 41-4-182, 41-4-184 and 41-4-185 of the Code of Alabama 1975, relating to the state capitol police, so as to remove said police from the auspices of the finance department and to place said police under the auspices of the legislative council, to prescribe additional duties of said capitol police, to transfer all appropriations and equipment to the legislative council, to provide for the wearing of a uniform by the capitol police and to authorize the legislative council to provide certain insurance.

By Senator Campbell:

**S. 494.** To appropriate annually interest accumulated on funds received from the sale of the Courtland airbase, held on deposit in a

fund of the state aeronautics department, to the Lawrence County Industrial Development Board--George C. Wallace Airport Authority.

By Senator Foshee:

**S. 501.** Relating to community development districts; to define and provide for the establishment of community development districts; and to prescribe the method by which alcoholic beverages may be lawfully sold within such districts.

By Senator Corbett:

**S. 507.** To levy a bond issuance fee on the sale of all industrial development bonds, including those issued by medical clinic boards; to provide for the collection, distribution and use of the proceeds of such fee; to prescribe penalties and fixing punishment for violation of this act; to provide for enforcement of this act by the state department of revenue; to provide for the creation of the Treasurer's Small Business Economic Development Fund and to provide for the implementation of this act.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom (With Substitute):

**S. 331.** To permit the commissioner of insurance to levy a civil penalty of not more than \$250,000.00 for violations of the insurance code following an administrative hearing; amending Section 27-2-31, Code of Alabama 1975.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Lindsey (With Amendment):

**S. 458.** To amend Sections 16-47-124 and 16-47-125, Code of Alabama 1975, relating to medical scholarship awards; to provide for rural incentive loans for medical students willing to provide medical care in the underserved rural areas of the state; and to authorize the Board of



Medical Scholarship Awards to establish the criteria of eligibility.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Parsons:

**S. 371.** To provide that for any law which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated cost of said law, to provide for the method of determining said appropriations, to provide for inclusion of said amount in the budget, to provide for the use of said funds and to provide any act enacted without said funding requirement shall be null and void.

By Senator Little:

**S. 418.** To amend Section 41-9-625, Code of Alabama 1975, relating to the Alabama Criminal Justice Information Center Commission, so as to permit the commission to adopt policies regarding the collection, storage and dissemination of criminal history information which conform to those of the Federal Bureau of Investigation's National Crime Information Center and the criminal history repositories of other states and to repeal Sections 41-9-639 and 41-9-641, Code of Alabama 1975.

By Senator Smith (J):

**S. 423.** To amend Section 41-9-374, Code of Alabama 1975, relating to appropriation to the Alabama Commissioners on Uniform State Laws, so as to remove from the act the limitation on the dollar amount, and to allow the dollar amount to be set each year as a budget item.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Floyd (With Substitute):

**S. 308.** To amend Section 41-5-21, Code of Alabama 1975, relating to audits by the Office of Examiners of Public Accounts, so as to alter the procedure involved in the submission of audit reports to designated officials.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Floyd and deGraffenried:

**S. 310.** To provide for the creation of a comprehensive statutory formulation of personal property leasing laws including the formation and construction, effect and performance of a lease contract; default by the lessor and lessee and general provisions. To amend Sections 7-1-105 of the Code of Alabama 1975, so as to include this act; to amend Section 7-1-201 of the Code of Alabama 1975, so as to revise the definition of "security interest"; to amend Section 7-9-113 of the Code of Alabama 1975, so as to include security interest arising under this act; to amend Sections 35-4-54 and 35-4-94 of the Code of Alabama 1975 so as to exclude leases; and to provide that this act will become effective January 1, 1992.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried (With Amendment):

**S. 341.** Relating to mental health and mental retardation, so as to provide further for the exercise of temporary custody, detention, care, and handling of alleged mentally ill persons, pending formal commitment proceedings to determine whether such persons should be committed to a designated mental health facility; to allow the probate court of each county to choose whether the county will adopt and be covered by the

provisions of the act, with alternate provisions for termination of the findings and operation of procedures in event of changed circumstances, and to grant to all persons acting in good faith in connection with exercising temporary custody, escorting, evaluation, examination, certification, testing, admission, detention, treatment, or discharge of any alleged mentally ill person, freedom from all civil liability by reason of such action.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale:

**S. 351.** To amend Section 6-2-8, Code of Alabama 1975, relating to the statute of limitations, so as to provide further for said statute of limitations regarding prisoners.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford (With Substitute):

**S. 364.** To provide for the appointment of a nonprofit corporation to serve as guardian for persons who are developmentally disabled; to provide additional requirements for such corporations; and to authorize the Alabama Department of Mental Health and Mental Retardation to develop guidelines, rules and regulations.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Hale, Lindsey, Horn, and Bedsole:

**S. 383.** To provide that all procedures, protections and remedies afforded to a motor vehicle dealer shall also be available to a motor vehicle distributor whose distributor agreement is terminated, canceled,

not renewed, modified or replaced by a manufacturer or an importer.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Bailey, Parsons, Denton, Bolling, Wilson, Ellis, Mitchem, Mitchell, Campbell, Langford, Dial, Hale, Little, and Owens  
(With Substitute) (With Amendment):

**S. 199.** To provide for counselling and therapy for sworn law enforcement officers in the State of Alabama who suffer from stress of any nature as a result of any work-related trauma; and to provide that such counselling and therapy be provided under the terms of the mental health services contracts between the Alabama Department of Mental Health and Mental Retardation and community programs.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett:

**S. 292.** To amend Sections 22-24-1, 22-24-4, 22-24-5 and 22-24-8, Code of Alabama 1975, relating to water well standards, so as to provide further for the licensing of well drillers and repeals Section 22-24-12, Code of Alabama 1975, which exempts Baldwin County from the chapter.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Dial and Bedsole (With Substitute):

**S. 202.** To amend Sections 9-13-11 and 9-13-12, Code of Alabama 1975, which relate to willful or malicious burning of woodlands and liability for refusal to extinguish uncontrolled fires, so as to provide further for said crime and liability.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Smith (J) and Bedsole:

**S. 382.** To appropriate from the general fund of the state treasury the sum of \$1,000,000.00 for the fiscal year ending September 30, 1991, to the Department of Agriculture and Industries Agricultural Development Services Program, which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication; to provide that such appropriation shall be supplemental.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Preuitt, Bedsole, Hale, and Dixon (With Substitute):

**S. 384.** To prohibit any commercial aquaculture activities in the inland public waters of the State of Alabama regulated by the Game and Fish Division of the Department of Conservation and Natural Resources, to define "commercial aquaculture"; and to provide penalties for the violation thereof.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Owens:

**S. 390.** To prohibit "hunting tournaments" as defined herein; to provide for certain exceptions; and to provide penalties for the violation thereof.

By Senator Preuitt:

**S. 397.** To amend Section 9-11-244, Code of Alabama 1975, relating to the taking of certain protected birds or animals by bait, so as to provide for an exception for certain hunting of migratory birds.

By Senator Bedsole:

**S. 441.** To amend Section 9-11-84, Code of Alabama 1975, relating to the sale or transportation of certain game fish, so as to include certain hybrids of certain species, to provide for certain exceptions and to provide further for the promulgation of rules and regulations.

By Senator Bedsole:

**S. 444.** Relating to artifacts, treasure troves and objects made or used by man, or fragments thereof, whether or not associated with any shipwreck and which have remained unclaimed for more than fifty years or listed as a state or national landmark, so as to provide that all such artifacts and articles contained in waters or submerged lands of the state shall be declared as "state cultural resources," and as such shall be regulated and protected by the Alabama Historical Commission; to provide definitions; to prohibit the taking, damaging, destruction of, salvaging, excavation of or other alteration of such resources without the prior written consent by contract or permit of the commission; to designate the commission as official custodian of such articles or resources; to authorize the commission to promulgate rules and regulations having the force of law regarding a management plan for said resources; to provide for the process of obtaining a permit or contract for exploration, excavation or observation of such resources; to authorize the commission to restrict commercial fishing in the immediate vicinity of such resources; to authorize the Alabama State Historic Preservation Fund to receive funds from permits, contracts and public sales of seized articles and to limit expenditures from the fund to the implementation of the commission's general cultural resource management plans; to provide for and define criminal penalties for violations of this act, including misdemeanor and felony punishment(s) therefor; to authorize the seizure of boats and instruments used in violation of this act; and to authorize all state and local law enforcement authorities and officers to assist the commission in the enforcement of the provisions of this act.

By Reps. Hamilton, Holley, Black (M), Carter, Parker (P), Lindsey, Butler, Laird, Layson, Smith (R), Richardson, Poole, Payne, Hill, Knight, Letson, Anderson, and Warren:

**H. 326.** To prohibit those nonresidents fishing pursuant to sport fishing licenses provided for in Sections 9-11-55 and 9-11-56, Code of Alabama 1975, from taking or attempting to take fish from the public waters of this State by means of one or more trotlines having a combination of more than one hundred hooks, to require daily inspection of permissible trotlines and to prescribe certain criminal penalties.

By Rep. Haynes:

**H. 505.** To amend Section 9-11-244, Code of Alabama 1975, relating to the taking of certain protected birds or animals by bait, so as to provide for an exception for certain hunting of migratory birds.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators deGraffenried and Hale:

**S. 409.** To create a State of Alabama Rapid Rail Transit Commission; and to provide for its membership and duties.

By Senator deGraffenried:

**S. 410.** To require all persons 16 years of age or older to present certification of completion of an approved hunter education course prior to obtaining a hunting license and provides penalties for violations.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Mitchell and Bennett:

**S. 339.** To grant certain rights to public school employees pertaining to their own personnel records, and to establish other regulations regarding said records.

By Rep. Carter:

**H. 11.** Relating to Athens State College; to repeal Act No. 81-153, S. 392, Regular Session, 1981 (Acts 1981, p. 176), which consolidated the administration of Athens State College and John C. Calhoun Community College; to re-establish two autonomous administrations; and to provide for the appointment of presidents of the colleges, the jurisdictions and operations.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Campbell:

**H. 101.** To amend Section 29-1-18 of the Code of Alabama 1975, for the quadrennium ending January, 1995 only, which limits the number of members of a standing committee of the house of representatives to 15.

By Senator Owens:

**S. 67.** To amend Section 36-26-35, Code of Alabama 1975, which provides for the maximum amount of annual leave that may be accrued by state employees, so as to provide further for the leave accrued by law enforcement officers in the department of public safety.

By Senator Smith (J):

**S. 428.** Relating to state officers and employees; to authorize the state comptroller, with the approval of the chief examiner of public accounts, to establish procedures for the prepayment of travel expenses.

By Senator Dixon:

**S. 377.** To amend sections 36-21-44, 36-21-45 and 36-21-47.1, Code of Alabama 1975, relating to the peace officers' standards and training commission, so as to provide further for the compensation and duties of the members of the commission, and for the peace officers' standards and training fund; and to provide further for the establishment and operation of certified police academies by the commission and the salaries and benefits of the directors and employees of such academies.

By Senator Mitchell:

**S. 416.** To repeal Act No. 631, S. 722, 1977 Regular Session, relating to the compensation of the Director of the Legislative Reference Service.

By Senator Smith (J):

**S. 426.** To authorize the several state departments and agencies



to prepay to officers and employees necessary travel expenses for authorized official state business; to provide that such payments shall be made in accordance with rules and regulations promulgated by the state comptroller with the approval of the chief examiner of public accounts; to provide for certain limitations and the annual audit of the expenditure of funds used in accordance with provisions of this act.

By Reps. Laird, Layson, Hamilton, and Richardson:

**H. 84.** To amend Sections 32-6-270 and 32-6-272 of the Code of Alabama 1975, so as to further define the term "Fire Fighter" and to provide further for their distinctive motor vehicle license plates.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Amendment):

**S. 126.** Requiring the statewide administrative control, supervision and regulation including certain registration and licensing of the practice of barbering and styling, teaching of barbering, barbers, barber instructors, barber students, barber apprentices, barbershops, and barber schools; creating a state barber and stylist board for such purpose; prescribing the powers and duties of said board; abolishing all local county barber boards or commissions; providing penalties for violations; repealing or superseding all laws, whether general, general of local application, special or local, which conflict with this act; providing for exceptions; and specifically repealing sections 34-5-1 through 34-5-16 of the Code of Alabama 1975.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Flowers:

**H. 135.** To amend Section 1-3-8 of the Code of Alabama 1975 relating to the legal holidays in this state; to provide that National Memorial Day shall be a legal holiday in this state; to provide that Columbus Day shall be observed as a state holiday but will not cause

state offices to close; to provide that Thomas Jefferson's birthday shall be observed in conjunction with George Washington's birthday; to provide further for the observance of Mardi Gras in this state; and to provide for personal leave days for state employees in lieu of certain holidays.

By Senators Dixon, Hale, Ellis, Lipscomb, Owens, Barron, Foshee, Preuitt, Denton, Mitchell, Floyd, Bailey, Waggoner, Bolling, Bedsole, Windom, and deGraffenried:

**S. 432.** To provide for the organization of a public corporation to be known as the Alabama International Airport Authority; to provide for the appointment of the members of the authority; to designate the officers and members of the board of directors; to provide that the state treasurer shall be custodian of the funds of the authority; to prescribe the powers of the authority including the power of eminent domain, the power to assess and collect fines, the power to appoint police officers, and the power to issue bonds or notes and to use the proceeds for any of its corporate purposes; to provide that such bonds or notes may be payable from one or more specified sources; to provide for the form of such bonds; to authorize the authority to issue refunding bonds; to provide that bonds issued or contracts entered into by the authority shall not create a debt or obligation of the state or any of its subdivisions unless so provided by amendment to the state constitution; to provide for the publication of notice of any resolution by the authority for the issuance of bonds and specifying a time after such publication in which actions and defenses may be asserted against said bonds; to provide that the authority may accept and expend federal, state, county, municipal, or other moneys made available to it to accomplish its corporate purposes; to provide that no civil action shall be brought or maintained against the authority or any of its directors for the negligence of the authority, its directors, or any of its agents, servants or employees; to provide that any political subdivision, public corporation, or instrumentality of the state may aid and cooperate with the authority; to provide that the bonds of the authority shall be legal investments for the state, all public officers, municipal corporations, political subdivisions, public corporations, public bodies, financial institutions, insurance companies and fiduciaries; to exempt the authority, its bonds, its income and its property from all state, county and municipal taxation; to exempt the authority from all laws from which airport authorities organized pursuant to article 2 of chapter 3 of title 4, Code of Alabama 1975, are exempt; to provide the authority with zoning powers; to provide conditions on the annexation of the authority's airports, airport facilities, other facilities and properties; to provide for the sale and distribution of alcoholic beverages and the regulation and control thereof within the authority's airports, airport facilities and other facilities; to provide that authority employees shall

participate in the state employees' retirement system; to provide for the disposal of lost money or property found on authority property; to provide for the regulation of parking on authority property; and to provide for the dissolution of the authority.

By Senator Campbell:

**S. 497.** To amend Sections 36-16-8 and 41-1-6 of the Code of Alabama 1975, which provides for the inventory of state property, so as to provide further for such inventory.

By Senator Dial:

**S. 70.** Relating to persons who are required to register with the U.S. Selective Service System, so as to provide that such persons may not enroll in institutions of higher learning nor be offered employment or advancement or promotion by the State of Alabama unless such persons offer proof that they have so registered, and to authorize the State Personnel Board and the institutions of higher learning to promulgate necessary rules and regulations.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Higginbotham, Richardson, Williams, Mathis, Gullatt, Ford, Harvey, Beasley, Hooper, and Hawkins:

**H. 120.** To amend Sections 40-1-33, 40-12-390, 40-12-391, 40-12-392, 40-12-394, 40-12-396, 40-12-398 and 40-12-414, Code of Alabama 1975, relating to automotive vehicle dealers, so as to exclude certain license information from general confidentiality provisions, provide further for revocation and denial of licenses, define certain terms, provide further for requiring certain business licenses, increase the surety bonds, increase the penalty for noncompliance, authorize the revenue department to promulgate rules and regulations and to repeal Section 40-12-52, Code of Alabama 1975, which requires a privilege license for automobile salesmen.

By Rep. Beasley:

**H. 294.** To amend Sections 13A-9-13.1, 13A-9-13.2, 8-8-15 and 12-17-224, Code of Alabama 1975, which relate to restitution for

the negotiation of a worthless check or other negotiable instrument; so as to increase the service charge on such worthless checks or instruments.

Senator Ghee, Chairperson of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Ghee, Bedsole, Amari, Bennett, Lipscomb, Little, Smith (J), Windom, Mitchell, Corbett, Preuitt, Wilson, Waggoner, Bailey, Ellis, Hilliard, Smith (B), Sanders, Figures, Horn, Barron, Hale, Bolling, deGraffenried, and Campbell (With Substitute):

**S. 445.** To propose a self-executing amendment to the Constitution of Alabama of 1901, as amended, to provide for the acquisition, maintenance and protection of lands and water areas in this state having unique ecological systems, plant and animal life, geological formations, wildlife habitats, recreational value and scenic beauty; to make certain declarations of purposes and state policies regarding the protection of such lands and waters; to provide definitions of terms; to provide for management of such program and to designate categories of lands and waters to be acquired; to establish the Alabama Forever Wild Land Trust for such purposes; to provide for the establishment of a board of trustees to govern said trust, its membership, selection process, terms of office and vacancy appointments; to provide for the rights, powers, duties and responsibilities of said board; to provide tax deductions for property donated to the Forever Wild Land Trust; to prohibit condemnation of properties for said trust; to guarantee that the acquisition and conservation of such lands and waters will not impair existing property rights or interfere with the legitimate needs of utilities and other business organizations having the power to condemn property for public use and necessity; to provide for funding of said trust from percentages of interest income earned from investment of funds in the Alabama Trust Fund; to provide for a stewardship program for the maintenance of properties acquired by the Forever Wild Land Trust; to provide for conservation restrictions and easements to further the program established by this Amendment; to provide for an Alabama Natural Heritage Program; to provide for the dedication of natural area preserves; and to provide that after the state's 2010-2011 fiscal year, revenues directed to said Forever Wild Land Trust shall be paid to the general fund of the State of Alabama, with the exception of 2.5% of such revenues needed to continue funding of the stewardship program.

The above Bill was read a second time at length as required by the Constitution.

Senator Ghee, Chairperson of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom:

**S. 98.** To amend section 17-18-2, Code of Alabama 1975, relating to the day for holding special elections, so as to provide that special elections to be held during the 1991-1995 quadrennium shall be held on Saturday.

By Senator Denton:

**S. 346.** Proposing an amendment to the Constitution of Alabama of 1901, as amended, to provide that every mayor, sheriff and elected county official shall be entitled to participate in the Employees' Retirement System of Alabama, its successor state employee retirement system, or any municipal or county retirement system in which the employees of such official's respective municipality or county may participate and such official's participation shall be upon the same terms and conditions as may be specified by law or regulation from time to time for the respective municipal or county employees, as the case may be, participating in such retirement system. For the purposes of this amendment the term "elected county official" shall include any official appointed to serve the remaining term of a county elective office.

The above Bill was read a second time at length as required by the Constitution.

Senator Hilliard, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Hilliard:

**S. 492.** Relating to the Alabama Public Service Commission application proceedings for motor carriers; amending Section 37-3-34 of the Code of Alabama 1975, to provide for modified procedures in lieu of

oral hearings on certain applications.

Senator Hilliard, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Hilliard, Bedsole, Mitchem, Amari, Denton, Dixon, Hale, Floyd, Ellis, Little, Bolling, Smith (J), Langford, Dial, and Lipscomb (With Amendments):

**S. 128.** Relating to the Alabama Public Service Commission; amending Sections 37-3-10, 37-3-11, 37-3-13, 37-3-15, 37-3-17, 37-3-21 and 37-3-22 of the Code of Alabama 1975, relating to motor vehicle carriers, so as to provide further for the regulation of such carriers and repealing Section 37-3-14 of the Code of Alabama 1975, which relates to the dual operations by motor vehicle carriers.

### **BILLS ON THIRD READING**

The hour of 3 o'clock P.M. having arrived, the Senate then proceeded to further consideration of the Bill:

**S. 132.** To provide for the development of a comprehensive emergency medical services system in the state and to adopt rules necessary to carry out the provisions of this act; to establish a unified emergency medical services system throughout Alabama to prevent needless loss of human life, disability, and suffering; to provide improved mechanisms for the development and implementation of plans addressing medical control and accountability for prehospital care, physician responsibility for the management of patient care including the issuance of physician orders from designated associate and resource hospitals for performance of advanced medical procedures by prehospital personnel, patient treatment and transportation requirements, professional and technical training, manpower, emergency medical communications, access to care and dispatching, coordinated patient record keeping, evaluation, public information, and mutual aid; to establish a state emergency medical control committee and a state advisory committee to assist with drafting of rules; to establish the position of state EMS medical director; to repeal sections 22-18-1 through 22-18-7, Code of Alabama 1975; and to provide penalties for violation of this act.

as amended by the substitute, as amended, which said substitute and

amendment are set out in the Journal of the Senate for the Tenth Legislative Day.

Senator deGraffenried offered the following amendment No. 2 to the Bill, SB 132, as amended, to-wit:

**AMENDMENT NO. 2 TO SB 132, AS AMENDED**

Amend SB 132, as amended, Page 22 Line 7, by inserting a new section 19 as follows:

Section 19. The provisions of this act are subject to the Alabama Administrative Procedures Act.

Further amend SB 132, as amended, page 22 by renumbering the remaining sections accordingly.

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), and Windom -22

Nays:

- 0

And said Bill, SB 132, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 26 Nays 1

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), and Windom -26

Nay: Senator Foshee

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**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 121. RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.**

GREG PAPPAS,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 145.** Relating to the administration of fiduciary accounts by duly authorized banks and trust companies by requiring timely investment of idle funds, by setting a quality standard, requiring a reasonable rate of return, providing for compensation and providing for the application of this act to fiduciary accounts now existing or hereafter created.

GREG PAPPAS,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.



**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 103. DESIGNATING THE LEON MCREYNOLDS LAKE,  
BALDWIN COUNTY, ALABAMA.**

**GREG PAPPAS,**  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

**S. 293.** Relating to Mobile County; to amend Sections 1 through 9 of Act No. 974, S. 384, Regular Session 1961 (Acts 1961, p. 1550 et seq.); to confer on the Probate Courts of the county general and equity jurisdiction over certain estates concurrent with that of the Circuit Courts; to provide for the powers and authority of the Probate Judges and Chief Clerks of such Probate Courts; and to provide for the pleading and procedure in such estates, the enforcement of orders, judgments and decrees and appeals of same.

**JIM PREUITT,**  
Chairperson.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title

had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### RECESS

At 3:20 P.M., Senator Corbett moved that the Senate take a recess subject to the call of the Chair.

Senator Amari offered a substitute motion that the Senate adjourn until Thursday, May 23, 1991 at 11 o'clock A.M., which motion was lost.

Yeas 4 Nays 26  
Abstaining 1

Yeas:

Senators:

Amari, Ellis, Sanders, and Smith (B)

- 4

Nays:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Floyd, Foshee, Ghee, Hilliard, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuit, Smith (J), Waggoner, Wilson, and Windom

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Abstaining: Senator Parsons

- 1

The question recurred on the motion of Senator Corbett that the Senate take a recess subject to the call of the Chair, which motion was adopted.

At 5:47 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

**S. 132.** To provide for the development of a comprehensive emergency medical services system in the state and to adopt rules

necessary to carry out the provisions of this act; to establish a unified emergency medical services system throughout Alabama to prevent needless loss of human life, disability, and suffering; to provide improved mechanisms for the development and implementation of plans addressing medical control and accountability for prehospital care, physician responsibility for the management of patient care including the issuance of physician orders from designated associate and resource hospitals for performance of advanced medical procedures by prehospital personnel, patient treatment and transportation requirements, professional and technical training, manpower, emergency medical communications, access to care and dispatching, coordinated patient record keeping, evaluation, public information, and mutual aid; to establish a state emergency medical control committee and a state advisory committee to assist with drafting of rules; to establish the position of state EMS medical director; to repeal sections 22-18-1 through 22-18-7, Code of Alabama 1975; and to provide penalties for violation of this act.

JIM PREUITT,  
Chairperson.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

**SJR 71. MOURNING THE DEATH OF ROY LEE MULLINS OF RUSSELLVILLE, ALABAMA.**

Also:

**SJR 74. COMMENDING LAWRENCE COUNTY AS THE "COUNTY OF CHAMPIONS."**

Also:

**SJR 75. COMMENDING KELLY D. CAIN OF SOMERVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.**

Also:

**SJR 76.** NAMING THE STATE PRISON AT BESSEMER, ALABAMA, THE "WILLIAM E. DONALDSON CORRECTIONAL FACILITY."

Also:

**SJR 78.** RECOGNIZING THE FAMILIES OF ALABAMA'S MILITARY PERSONNEL WHO SERVED IN DESERT SHIELD/DESERT STORM, AND DESIGNATING A DAY OF TRIBUTE IN THEIR HONOR.

Also:

**SJR 79.** MOURNING THE DEATH OF JUDGE JAMES A. AVARY OF LANETT, ALABAMA.

Also:

**SJR 80.** COMMENDING SARA FRANCES GROGAN CRUMPTON UPON RETIREMENT FROM STATE SERVICE, JULY 1, 1991.

Also:

**SJR 81.** RENAMING THE "STATE OFFICE BUILDING" THE "LURLEEN B. WALLACE OFFICE BUILDING."

Also:

**SJR 82.** RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.

Also:

**SJR 84.** COMMENDING DWIGHT CARLISLE OF ALEXANDER CITY FOR DISTINGUISHED SERVICE AS PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE RUSSELL CORPORATION.

JIM PREUITT,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed

the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### REPORT FROM RULES

Senator Preuit, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

#### HJR 198. SETTING JOINT SESSION.

And on motion of Senator Dial, said Resolution, HJR 198, was concurred in and adopted by the Senate.

Senator Preuit, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

#### HJR 142. URGING CONGRESS TO REJECT ANY EFFORT TO IMPOSE GOVERNMENT-MANDATED UNREALISTIC STANDARDS ON THE AUTOMOTIVE INDUSTRY.

And on motion of Senator Dial, said Resolution, HJR 142, was concurred in and adopted by the Senate.

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill and Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SB 293

Delivered to the Governor, May 21, 1991, at 3 o'clock P.M.

SJR 71

SJR 78

SJR 82

SJR 74

SJR 79

SJR 84

SJR 75

SJR 80

SJR 76

SJR 81

Delivered to the Governor, May 21, 1991, at 5:45 P.M.

McDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 5:52 P.M., on motion of Senator deGraffenried, in accordance with Motion heretofore adopted and pending further consideration of SB 124, the Senate adjourned until Thursday, May 23, 1991, at 11 o'clock A.M.

Yeas 18 Nays 12

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Ghee, Hale, Lipscomb, Little, Mitchell, Owens, Sanders, and Smith (B) -18

Nays:

Senators:

Barron, Bennett, Corbett, Dixon, Foshee, Hilliard, Horn, Lindsey, Mitchem, Parsons, Wilson, and Windom -12

## **TWELFTH LEGISLATIVE DAY**

**THURSDAY, MAY 23, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by Dr. Preston Bailey, Pastor, Capitol Heights Baptist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Stacy Green, Robert E. Lee High School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eleventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senator Mitchem for today.

**RESOLUTION**

Senator deGraffenried requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 85. RELATIVE TO MEETING DAYS.**

BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA, That when the Senate adjourns today, Thursday, May 23rd, it adjourns to meet again on Tuesday, May 28th; and when it adjourns on Tuesday, May 28th, it adjourns to meet again on Thursday, May 30th; and when it adjourns on Thursday, May 30th, it adjourns to meet again on Tuesday, June 4th; and when it adjourns on Tuesday, June 4th, it adjourns to meet again on Thursday, June 6th.

Which was read and referred to the Standing Committee on Rules.

**MOTION TO ADJOURN**

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, May 28, 1991, at 1 o'clock P.M., which motion was adopted.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:



By Senator Owens:

**S. 105.** To amend Sections 40-1-33, 40-12-390, 40-12-391, 40-12-392, 40-12-394, 40-12-396, 40-12-398 and 40-12-414, Code of Alabama 1975, relating to automotive vehicle dealers, so as to exclude certain license information from general confidentiality provisions, provide further for revocation and denial of licenses, define certain terms, provide further for requiring certain business licenses, increase the surety bonds, increase the penalty for noncompliance, authorize the revenue department to promulgate rules and regulations and to repeal Section 40-12-52, Code of Alabama 1975, which requires a privilege license for automobile salesmen.

JIM PREUITT,  
Chairperson.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 180. RELATIVE TO MEETING DAYS.**

Also:

**HJR 181. RECOGNIZING THE FAMILIES OF ALABAMA'S MILITARY PERSONNEL WHO SERVED IN DESERT SHIELD/DESERT STORM, AND DESIGNATING A DAY OF TRIBUTE IN THEIR HONOR.**

Also:

**HJR 182. COMMENDING SARA FRANCES GROGAN CRUMPTON UPON RETIREMENT FROM STATE SERVICE, JULY 1, 1991.**

Also:

**HJR 184. MOURNING THE DEATH OF REVEREND WILLIE F. THOMPSON OF DOTHAN, ALABAMA.**

Also:

**HJR 185. COMMENDING ROY BRANDON FRAZIER OF HALEYVILLE, ALABAMA, ON OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENTS.**

Also:

**HJR 186. COMMENDING GEORGE PERVY THAMES, BALDWIN COUNTY MAN OF THE YEAR FOR 1990.**

Also:

**HJR 199. COMMEMORATION OF THE BICENTENNIAL OF THE BILL OF RIGHTS.**

GREG PAPPAS,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**HJR 162. NAMING THE "W. C. HANDY MEMORIAL HIGHWAY."**

GREG PAPPAS,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed

the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

**HJR 142. URGING CONGRESS TO REJECT ANY EFFORT TO IMPOSE GOVERNMENT-MANDATED UNREALISTIC STANDARDS ON THE AUTOMOTIVE INDUSTRY.**

Also:

**HJR 198. SETTING JOINT SESSION.**

GREG PAPPAS,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**FURTHER CONSIDERATION OF SB 151**

The Senate proceeded to further consideration of the Bill:

**S. 151.** To amend Section 1-3-8 of the Code of Alabama 1975, relating to the legal holidays in this state, so as to provide further for such holidays; and to provide for personal leave days for state employees in lieu of certain holidays.

having been postponed on the Ninth Legislative Day was taken up.

Senator Mitchell requested and received unanimous consent to bring up the Bill:

**H. 135.** To amend Section 1-3-8 of the Code of Alabama 1975

relating to the legal holidays in this state; to provide that National Memorial Day shall be a legal holiday in this state; to provide that Columbus Day shall be observed as a state holiday but will not cause state offices to close; to provide that Thomas Jefferson's birthday shall be observed in conjunction with George Washington's birthday; to provide further for the observance of Mardi Gras in this state; and to provide for personal leave days for state employees in lieu of certain holidays.

in place of the Bill, SB 151.

### BUDGET ISOLATION RESOLUTION

Senator Mitchell, B.I.R., HB 135, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Hilliard, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, and Windom -23

Nays:

- 0

Senator Mitchell offered the following substitute for the Bill, HB 135, to-wit:

### SUBSTITUTE FOR HB 135

#### A B I L L T O B E E N T I T L E D A N A C T

To amend Section 1-3-8 of the Code of Alabama 1975 relating to the legal holidays in this state: to provide that National Memorial Day shall be a legal holiday in this state; to provide that Thomas Jefferson's birthday shall be observed in conjunction with George Washington's birthday; to provide further for the observance of Mardi Gras in this state; and to provide for a personal leave day for state employees in lieu of certain holidays.

#### BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 1-3-8 of the Code of Alabama 1975 is hereby amended to read as follows:

Section 1-3-8.

"(a) Sunday, Christmas day, New Year's day, Martin Luther King, Jr.'s birthday, Robert E. Lee's birthday, George Washington's birthday, Thomas Jefferson's birthday, ~~Mardi-Gras~~, Confederate Memorial day, National Memorial Day, Jefferson Davis' birthday, the Fourth day of July, Labor day, Columbus day and Fraternal day, Veterans' day and the day designated by the governor for public thanksgiving shall be deemed a holiday. If any holiday falls on Sunday, the following day is the holiday. If any holiday falls on Saturday, the preceding day is the holiday. Veterans' day shall be observed by the closing of all state, county and municipal offices, all banks located within this state and the public schools on such day. The superintendent of banks, with the concurrence of not less than two members of the state banking board, may authorize any state bank to close on National Memorial day, the last Monday in May, and on such other days as may be declared by the governor to be state holidays in honor of a special event. In the event any authorized state holiday falls on Friday, the superintendent of banks may authorize the Saturday following that Friday to be a holiday. The superintendent may also authorize the closing of banks at 12:00 noon on the day prior to Christmas day, and the day prior to New Year's day, if such days fall on business days.

"(b) Of the above enumerated legal public holidays, the following shall be observed on the dates herein prescribed:

- (1) Robert E. Lee's birthday - the third Monday in January.
- (2) George Washington's birthday - the third Monday in February.
- (3) Confederate Memorial day - the fourth Monday in April.
- (4) Jefferson Davis' birthday - the first Monday in June.
- (5) Columbus day and Fraternal day - the second Monday in October.
- (6) Veterans' day - the eleventh day of November.
- (7) Martin Luther King, Jr.'s birthday - the third Monday in January.
- (8) National Memorial Day - the last Monday in May.

(9) Thomas Jefferson's birthday - the third Monday in February.

"(c) In addition to the legal holidays provided above, Mardi Gras shall be deemed a holiday in Mobile and Baldwin Counties and all state offices shall be closed in those counties on Mardi Gras.

"(d) In addition to the legal holidays provided above, all state employees, except those employed in Baldwin and Mobile Counties, shall be granted one personal leave day per year. The personal leave day shall be granted on January 1 of each year. All state employees employed in Baldwin and Mobile Counties shall be granted no personal leave day. All such personal leave days granted in any year shall be used by the end of the calendar year. All such personal leave days shall be scheduled during the year with the approval of the supervisor. Supervisors failing to schedule personal leave days for employees must justify that action in writing to the director of state personnel and the employee shall receive pay at a rate not less than the employee's usual and customary rate of pay for any personal leave day not taken by December 31 of each year.

"(e) (c) All state holidays shall be observed by the closing of all state offices. Any state office may remain open on a state holiday upon written notice by the appointing authority to the state personnel board at least 60 days in advance of the holiday. Provided, that any state office may be opened in the event of an emergency and the state personnel board may grant a blanket approval for the openings of state offices needing to be open on holidays on a regular basis for essential services. Any state employee working on a state holiday shall receive a day of compensatory leave or paid compensation in lieu of the holiday as provided herein.

"(d) (f) Each employee shall attempt to schedule any compensatory leave day provided in lieu of a regularly scheduled holiday, subject to the approval of the supervisor, during the quarter that the regularly scheduled holiday occurred. In the event that any compensatory leave day cannot be scheduled during the designated quarter, then the compensatory leave day may be accumulated at the request of the employee for up to one year. Supervisors failing to schedule compensatory leave days for employees within the quarter, unless the day is carried forward at the request of the employee, must justify that action in writing to the director of state personnel and the employee shall receive pay at a rate not less than the employee's usual and customary rate of pay for any compensatory leave day to which he may be entitled and which has not been taken."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### **POINT OF ORDER**

Senator Mitchell raised the following point of order:

"When a Senator is filibustering, and yields the microphone to another Senator, before his time of one hour has expired, can this be done or does the Chair have the right to recognize whom he wishes for a motion?"

### **STATEMENT BY THE PRESIDENT AND PRESIDING OFFICER**

The President and Presiding Officer stated that he would let the process continue as it had in the past, but would take Senator Mitchell's point of order under consideration.

### **ADJOURNMENT**

At 2:42 P.M., on motion of Senator Preuit, in accordance with Motion heretofore adopted and pending further consideration of the Bills, HB 135 and SB 124, the Senate adjourned until Tuesday, May 28, 1991, at 1 o'clock P.M.

## **THIRTEENTH LEGISLATIVE DAY**

**TUESDAY, MAY 28, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by Mr. Martel Pace, Minister, Vaughn Park Church of Christ, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Kelly Blair, Alabama Christian Academy, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twelfth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.



**COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**MOTION TO ADJOURN**

Senator Preuitt moved that when the Senate adjourns today, it adjourn to meet again on Thursday, May 30, 1991, at 9 o'clock A.M.

Senator deGraffenried offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Thursday, May 30, 1991, at 11 o'clock A.M.

On motion of Senator Preuitt said substitute motion was laid on the table.

Yeas 17 Nays 9

Yeas:

Senators:

Bedsole, Bennett, Campbell, Corbett, Denton, Dixon, Floyd, Foshee, Hale, Horn, Langford, Mitchell, Parsons, Preuitt, Smith (J), Waggoner, and Windom -17

Nays:

Senators:

Amari, Bolling, deGraffenried, Figures, Lipscomb, Little, Owens, Sanders, and Smith (B) - 9

The question recurred on the motion of Senator Preuitt that when the Senate adjourns today, it adjourn to meet again on Thursday, May 30, 1991, at 9 o'clock A.M., which was adopted.

Yeas 25 Nays 2

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Figures, Floyd, Foshee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

Senators:

Amari and Sanders

- 2

**MOTION TO RECESS LOST**

At 1:20 P.M., Senator deGraffenried moved that the Senate take a recess for the purpose of the Joint Session, which motion was lost.

Yeas 11 Nays 15

Yeas:

Senators:

Bedsole, Bolling, deGraffenried, Dixon, Figures, Lipscomb, Little, Owens, Sanders, Smith (B), and Waggoner -11

Nays:

Senators:

Amari, Bailey, Bennett, Campbell, Corbett, Denton, Floyd, Foshee, Hale, Horn, Langford, Mitchell, Preuitt, Smith (J), and Windom -15

**JOURNAL**

Senator Preuitt moved that the reading of the Journal of yesterday be dispensed with and same adopted by the Senate.

Senator Amari offered a substitute motion that the Journal of yesterday be read at length, which motion was lost.

Yeas 7 Nays 19

Yeas:

Senators:

Bolling, deGraffenried, Figures, Little, Owens, Sanders, and Smith (B) - 7

Nays:

Senators:

Amari, Bailey, Bedsole, Bennett, Campbell, Corbett, Denton, Dixon, Floyd, Foshee, Horn, Langford, Lipscomb, Mitchell, Parsons, Preuitt, Smith (J), Waggoner, and Windom -19

The question recurred on the motion of Senator Preuitt that the reading of the Journal of yesterday be dispensed with and same adopted by the Senate, which motion was adopted.

Yeas 19 Nays 7

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Campbell, Corbett, Denton, Dixon, Floyd, Foshee, Hale, Horn, Langford, Mitchell, Parsons, Preuitt, Smith (J), Waggoner, and Windom -19

Nays:

Senators:

Bolling, deGraffenried, Lipscomb, Little, Owens, Sanders, and  
Smith (B) - 7

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

#### SR 86. SPECIAL ORDER.

RESOLVED BY THE SENATE That the following in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the thirteenth legislative day of the 1991 Regular Session only:

#### 1. Local Legislation No. 2. Committee Report

Senator Bolling offered the following substitute for the Resolution, SR 86, to-wit:

### SUBSTITUTE FOR SR 86

#### SR 86. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business upon reaching bills on third reading for the thirteenth legislative day of the 1991 Regular Session and for each day thereafter taking precedence over all other business until disposed of:

Inst Id	Page
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S. 285	31
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Bonds issued for repair of roads and bridges damaged by  
Feb. or March 1990 floods to incl. Dec. 1990 and Jan.  
1991 floods, Act 90-281, Reg. Sess. 1990 am'd.

On motion of Senator Preuit, said substitute was laid on the table.

Yeas 18 Nays 7

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, Dial, Dixon,  
Floyd, Foshee, Hale, Horn, Langford, Mitchell, Parsons, Preuit, -18  
Waggoner, and Windom

Nays:

Senators:

Bolling, deGraffenried, Figures, Little, Owens, Sanders, and  
Smith (B) - 7

### RECESS

At 1:33 P.M., on motion of Senator Smith (B), the Senate took a recess until the completion of the Joint Session to hear the message of General William S. Chen and General John (Jack) S. Peppers.

### JOINT SESSION

At 1:33 P.M., in accordance with HJR 198, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of General William S. Chen and General John (Jack) S. Peppers.

The Session was called to order by Lieutenant Governor Folsom, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

At 2:20 P.M., the purpose of the Joint Session having been accomplished, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

### FURTHER CONSIDERATION OF SR 86

The Senate proceeded to further consideration of the Senate Resolution, SR 86.

Senator Amari offered the following substitute for the Resolution, SR 86, to-wit:

### SUBSTITUTE FOR SR 86

**SR 86. SPECIAL ORDER.**

**RESOLVED BY THE SENATE** That the following in the order named shall be the paramount and continuing order of business taking

precedence over all other matters for the thirteenth legislative day of the 1991 Regular Session only:

1. Committee Reports

On motion of Senator Preuitt, said substitute was laid on the table.

Yeas 18 Nays 10

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, Dixon, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Mitchell, Preuitt, Wilson, and Windom -18

Nays:

Senators:

Amari, Bolling, deGraffenried, Dial, Ellis, Figures, Lipscomb, Little, Sanders, and Smith (B) -10

Senator Sanders offered the following substitute for the Resolution, SR 86, to-wit:

**SUBSTITUTE FOR SR 86**

**SR 86. SPECIAL ORDER CALENDAR.**

RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business upon reaching bills on third reading for the thirteenth legislative day of the 1991 Regular Session and for each day thereafter taking precedence over all other business until disposed of:

Inst Id	Page
<b>S. 149</b>	3
To require proof of minimum insurance coverage, penalty included.	

On motion of Senator Preuitt, said substitute was laid on the table.

Yeas 23 Nays 8

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, Dial, Dixon,

**13th Day**

Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Preuitt, Smith (J), Waggoner, and Wilson-23

Nays:

Senators:

Amari, Bolling, deGraffenried, Figures, Little, Sanders, Smith (B), and Windom - 8

And on motion of Senator Preuitt, the Resolution was then adopted by the Senate.

Yeas 23 Nays 8

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Mitchell, Parsons, Preuitt, Smith (J), Waggoner, and Windom -23

Nays:

Senators:

Amari, Bolling, deGraffenried, Figures, Little, Owens, Sanders, and Smith (B) - 8

**UNFINISHED BUSINESS****BILLS ON THIRD READING**

The Senate proceeded to consideration of the first item of Unfinished Business for today, which was the Bill:

**H. 135.** To amend Section 1-3-8 of the Code of Alabama 1975 relating to the legal holidays in this state; to provide that National Memorial Day shall be a legal holiday in this state; to provide that Columbus Day shall be observed as a state holiday but will not cause state offices to close; to provide that Thomas Jefferson's birthday shall be observed in conjunction with George Washington's birthday; to provide further for the observance of Mardi Gras in this state; and to provide for personal leave days for state employees in lieu of certain holidays.

and pending Mitchell substitute, which said substitute is set out in the Journal of the Senate for the Twelfth Legislative Day.

Senator Mitchell moved that the Rules be suspended and further consideration of the Bill, HB 135, and pending substitute be postponed.

Senator Amari moved that said motion to postpone be laid on the table, which motion was lost.

Yeas 8 Nays 19

Yeas:

Senators:

Amari, Bolling, deGraffenried, Figures, Lipscomb, Little, Owens, and Sanders - 8

Nays:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Mitchell, Preuitt, Waggoner, and Windom -19

The question recurred on the motion of Senator Mitchell that the Rules be suspended and further consideration of the Bill, HB 135, and pending substitute be postponed, which motion was adopted.

### SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was Local Legislation No. 2, Committee Report.

### REPORTS OF COMMITTEES

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

By Senators Bennett, Waggoner, and Ellis (With Notice and Proof):

**S. 315.** Relating to Jefferson County; amending sections 4 and 5 of Act No. 765, H. 675, 1969 Regular Session (Acts 1969, p. 1358) relating to the creation of a public bureau for the purpose of attracting conventions and visitors to every county having a population of 500,000 or more, so as to permit any county with area within the metropolitan area of the largest city in the county within such population span to come under the provisions of the act; and to provide further for the board of directors of the bureau in certain circumstances.

**MOTION TO RECOMMIT**

Senator deGraffenried moved that the Bill, SB 315, be recommitted to the Standing Committee on Local Legislation No. 2.

On motion of Senator Foshee, said motion to recommit was laid on the table.

Yeas 17   Nays 10  
Abstaining 1

Yeas:

Senators:

Barron, Bennett, Campbell, Corbett, Dixon, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Mitchell, Parsons, Preuit, Waggoner, Wilson, and Windom -17

Nays:

Senators:

Amari, Bolling, deGraffenried, Dial, Ellis, Figures, Ghee, Little, Owens, and Sanders -10

Abstaining:

Senator: Bailey - 1

And said Bill, SB 315, was then read a second time and placed on the calendar.

**REPORTS OF COMMITTEES RESUMED**

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

By Senator Bennett (With Notice and Proof) (With Substitute):

**S. 404.** Relating to Jefferson County; to create a commuter rail authority called the "Metropolitan Rapid Rail Commission," hereinafter referred to as "the commission," to be constituted as a public corporation to provide and administer a commuter rail service for the county and political subdivisions of the county; to provide for the composition of the commission; to provide for terms of office, meetings, qualifications, powers, duties, responsibilities, accountability, personnel, and finances of the commission; to provide for the authorization of acceptance of grants, appropriations and contributions; and to authorize certain public assistance to the commission.



**MOTION TO RECOMMIT**

Senator Amari moved that the Bill, SB 404, be recommitted to the Standing Committee on Local Legislation No. 2, which motion lost.

Yeas 3 Nays 16  
Abstaining 2

Yeas:

Senators:

deGraffenried, Little, and Parsons

- 3

Nays:

Senators:

Amari, Bennett, Campbell, Corbett, Floyd, Foshee, Horn, Langford, Lindsey, Mitchell, Owens, Preuit, Sanders, Waggoner, Wilson, and Windom

-16

Abstaining:

Senators:

Bailey and Bedsole

- 2

And said Bill, SB 404, was then read a second time and placed on the calendar.

**REPORTS OF COMMITTEES RESUMED**

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, to-wit:

By Rep. Petelos (With Notice and Proof) (With Substitute) (With Amendment):

**H. 366.** To amend Chapter 65 of Title 11 of the Code of Alabama 1975, which relates to horse racing and pari-mutuel wagering thereon in Class 1 municipalities, for the following purposes: to make certain legislative findings concerning the experience of the state's only Class 1 municipality with horse racing and pari-mutuel wagering thereon and the economic desirability of authorizing greyhound racing and pari-mutuel wagering thereon in a Class 1 municipality (now defined by statute to be a city with a population of 300,000 inhabitants or more as certified by the 1970 decennial census); to define the particular terms to be used in said Chapter 65 as amended by this act; to authorize a Class

1 municipality (the "sponsoring municipality") to incorporate a racing commission with power to license and regulate horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both; to provide that a racing commission incorporated pursuant to said Chapter 65 will be subject to the jurisdiction of the state ethics commission; to define a host county for a racing commission as the county in which a majority of the residents of the sponsoring municipality reside and to provide that a racing commission incorporated for a sponsoring municipality will have power to license and regulate racing and wagering activities only in the part of such sponsoring municipality that is located in the host county; to provide for elections in the host county to authorize the incorporation of a racing commission and to determine the powers thereof; to amend said Chapter 65 concerning the appointment of certain members of a racing commission and the appointment of deputy members by certain members; to provide alternative arrangements for the appointment of the treasurer of a commission; to amend said Chapter 65 concerning the powers and duties of a racing commission and to impose certain limitations on such powers and duties respecting the confidentiality of information pertaining to a licensed operator and the rights of such operator to conduct its business under the supervision of the commission; to provide conditions relating to the award and use of licenses for horse racing, greyhound racing and pari-mutuel wagering thereon; to authorize retroactively and ratify the action of an existing racing commission in entering into a contract to grant a prospective licensee a license for greyhound racing and pari-mutuel wagering thereon prior to the legislative enactment of the commission's authority to grant such license; to modify the provisions of said Chapter 65 respecting a license to own or use a horse racing facility; to modify the application and review procedure for granting an operator's license to reflect the additional power and duty of a commission to license and regulate greyhound racing and pari-mutuel wagering thereon; to modify the terms of an operator's license concerning its periodic review and revocation, the allowance of successive three year renewal terms after the initial term of 20 years, and the scheduling and conducting of licensed activities; to modify the ownership requirements applicable to holders of horse racing facility licenses and holders of operator's licenses to conduct horse racing or greyhound racing; to modify the procedure of a commission for reviewing and granting permits for persons to work at a racing facility; to provide for judges for greyhound racing and to modify the appointment procedure for stewards for horse racing; to authorize and provide rules for the conduct of pari-mutuel wagering on greyhound racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools for greyhound racing that are to be distributed to the holders of winning pari-mutuel tickets; to provide for

the payment of license fees for pari-mutuel wagering on greyhound racing by each licensed operator to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide for a greyhound racing operator to hold commission racing days in each calendar year with the profits therefrom to go to the commission or charitable organizations designated by the commission; to provide that horse racing or greyhound racing events conducted outside the sponsoring municipality may be televised to a racing facility under the jurisdiction of a commission and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations in the state or in other states; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to other locations in the state or in other states and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations to which such racing events are televised; to modify the purposes for which the net revenues of a racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to modify the prohibitions of said Chapter 65 against certain activities so as to make such prohibitions applicable to greyhound racing and pari-mutuel wagering thereon; to modify the penalties for certain prohibited activities concerning racing and pari-mutuel wagering; in the event that a state racing commission shall be established at any time, to provide in such event that any racing commission created under said Chapter 65 and its licensees for both horse racing and greyhound racing shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission; to provide that the provisions of said Chapter 65 as modified by the act shall be severable; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise both horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities.

#### MOTION TO RECOMMIT

Senator deGraffenried moved that the Bill, HB 366, be recommitted to the Standing Committee on Local Legislation No. 2, which motion lost.

Yeas 7 Nays 15  
Abstaining 1

Yeas:

Senators:

Amari, Bolling, deGraffenried, Ellis, Figures, Little, and Sanders - 7

Nays:

Senators:

Bennett, Campbell, Corbett, Floyd, Foshee, Ghee, Hale, Horn,  
Langford, Lindsey, Mitchell, Parsons, Preuit, Waggoner, and  
Windom -15

Abstaining:

Senator: Bailey - 1

And said Bill, HB 366, was then read a second time.

### **BILL REFERRED**

Pursuant to the provisions of Senate Rule 51, the President and Presiding Officer of the Senate ordered said Bill, HB 366, referred to the Standing Committee on State Development and Tourism.

### **STATEMENT BY THE PRESIDENT AND PRESIDING OFFICER**

The President and Presiding Officer of the Senate stated that the Standing Committee on State Development and Tourism will meet immediately in Rules Committee Conference Room, Room No. 719.

### **REPORTS OF COMMITTEES RESUMED**

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Notice and Proof):

**S. 427.** To amend Section 4.04 of Act No. 452, H. 974, 1955 Regular Session (Acts 1955, p. 1004), as amended, which provided for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the 1970 federal decennial census, now defined by statute as Class 1 municipalities and applicable only to the City of Birmingham, so as to provide for the intent of this

act; to provide upon the commencement of the next term of the office of mayor in 1991, and thereafter for the salary of such mayor for terms commencing in 1955 and thereafter, to make the mayor of such city ineligible to receive expense allowances as provided for in Section 11-43-86 of the Code of Alabama 1975, upon the commencement of such increased salary and to authorize reimbursement of actual expenses incurred by such mayor in the performance of such office.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Waggoner (With Notice and Proof) (With Amendments):

**S. 391.** Relating to Jefferson County; to provide for the orderly and efficient collection of municipal business license taxes with respect to corporations, firms, brokers, agents and other engaged in the business of buying, selling, leasing, renting, managing or representing others in the purchase, sale or lease of real property; and providing for an effective date.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Notice and Proof):

**S. 489.** To amend Section 3.05 of Act No. 452, H. 974, 1955 Regular Session (Acts 1955, p. 1004), as amended, which provided for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the 1970 federal decennial census, now defined by statute as Class 1 municipalities and applicable only to the City of Birmingham, so as to authorize an increase in the salaries of members and the President of the City Councils of Class 1 municipalities, to eliminate payment of expense allowances to such Council members as provided for in Section 11-43-7.1(a) of the Code of Alabama 1975, and to specify when such increased salaries shall become effective.

By Senator Hilliard (With Notice and Proof):

**S. 417.** Relating to the City of Birmingham in Jefferson

County; to amend sections 3 and 7 of Act No. 105, H. 24, Third Special Session 1971, (Acts 1971, p. 4325), so as to provide further for the process of weed removal from private property by amending the notice requirements and to authorize the collection of the special assessment by the county tax collector under the same procedures as those followed in collection of delinquent property taxes.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Newton (D), Curry, Petelos, and Barnes (With Notice and Proof):

**H. 560.** To amend chapter 65 of Title 11 applicable to horse racing in Class 1 municipalities so as to authorize the mayor of the host city and the president or otherwise designated presiding officer of the county commission to appoint deputy racing commissioners having the qualifications of persons eligible to serve as appointed members of the commission, to serve at their pleasure as their deputies on the racing commission authorized by such chapter including, but not limited to, the power to vote at any meeting of the commission or any panel thereof in the absence of their respective appointing officer; to authorize the president or otherwise designated presiding officer of the host county commission, as an alternative, to appoint, for a term, another member of the host county commission to serve in the place of the said president or presiding officer of the host county commission during said term; and to specify the appointment and qualification procedures, the compensation of persons so appointed to serve as racing commission members or deputy members and the right of such persons to be reimbursed for expenses.

#### **BILL REFERRED**

Pursuant to the provisions of Senate Rule 51, the President and Presiding Officer of the Senate ordered said Bill, HB 560, referred to the Standing Committee on State Development and Tourism.

#### **REPORTS OF COMMITTEES RESUMED**

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Carns and Sanderson (With Notice and Proof):

**H. 349.** To authorize the county commission of Jefferson County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of Education of the City of Mountain Brook, the special ad valorem tax for public school purposes which is authorized in Amendment No. 316 to the Constitution, to a maximum rate, for any tax year of the county, which is equal to \$1.85 on each one hundred dollars (18.5 mills on each dollar) of assessed value.

By Reps. Sanderson, Barnes, Rogers (J), Gaines, Rogers (F), Carns, Curry, Newton (D), Biddle, Hawkins, Spratt, Petelos, and Morton (With Notice and Proof):

**H. 546.** Relating to Jefferson County; to provide for the orderly and efficient collection of municipal business license taxes with respect to corporations, firms, brokers, agents and others engaged in the business of buying, selling, leasing, renting, managing or representing others in the purchase, sale or lease of real property; and providing for an effective date.

By Reps. McDowell and Sanderson:

**H. 547.** To propose an amendment to the Constitution of 1901, for Jefferson County, pursuant to Amendment No. 425 of the Constitution providing further for license taxes on certain real estate operations and transactions; and to provide for implementation.

The above Bill was read a second time at length as required by the Constitution.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

### SR 87. SPECIAL ORDER.

RESOLVED BY THE SENATE That the following in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the thirteenth legislative day of the

1991 Regular Session only:

The report of the following committees

1. State Development and Tourism
2. Economic Affairs
3. Education
4. L.L. 1

On motion of Senator Preuitt, the Resolution was adopted by the Senate.

### COMMITTEE REPORT

Senator Langford, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the Bill, HB 366, and ordered same returned to the Senate with a favorable report, and placed on the calendar.

### REPORTS OF COMMITTEES RESUMED

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Buskey (JE):

**H. 57.** To amend §27-8-10, Code of Alabama 1975, so as to reduce the waiting period for a person who failed to pass two examinations for licensing as a life or disability insurance agent; to reduce said waiting period for a person being examined for licensing as a property and casualty agent pursuant to §27-7-10, Code of Alabama 1975; and to expressly repeal §27-7-16, Code of Alabama 1975.

By Rep. Buskey (JL):

**H. 159.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners of landscape architects with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: Section 34-17-5, to authorize disciplinary actions by the board for violations of chapter 17, Title 34, and rules and regulations of the board; Section 34-17-20, to require a program of continuing education; Section 34-17-21, to require



applicants to have completed certain educational or practical requirements prior to applying for certification by the board and to provide further for temporary certificates of the board; and Section 34-17-25, to provide further for certain fees of the board.

By Rep. Buskey (JL):

**H. 160.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the board for registration of architects with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: section 34-2-33 to provide a grace period for renewal of licenses in order to avoid a penalty payment; section 34-2-34 to authorize the board to issue reprimands and levy administrative fines for violation of chapter 2, Title 34 or the rules and regulations of the board and to provide an appeal procedure for such disciplinary actions; section 34-2-39 to require a program of continuing education; and section 34-2-40 to provide that the secretary of the board may be a licensee of the board.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Buskey (JL) (With Amendment):

**H. 161.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the state licensing board for general contractors with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: section 34-8-2 to provide further for license and renewal fees and a late renewal penalty; section 34-8-4 to authorize administrative fines by the board for violations of chapter 8, Title 34 and for violations of the board's rules and regulations; and Section 34-8-25 to authorize the secretary-treasurer to certify vouchers of the board without the Governor's approval.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Buskey (JL):

**H. 162.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the polygraph examiners board with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-25-36 to make fees apply to all governmental polygraph examiners and to provide further for certain fees; and 34-25-29 to provide for a mandatory continuing education program by the board.

By Rep. Buskey (JL):

**H. 163.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of occupational therapy with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-39-14 to provide further for the assessment and collection of costs relating to hearings of the board which result in the suspension, revocation or refusal to issue a license; 34-39-16 to provide further for the hearing of evidence and appeal process for hearings and actions of the board; and 41-20-3 to provide that the board shall be an enumerated state agency under the state sunset statute and to delete references to enumerated agencies which are no longer in existence.

By Rep. Buskey (JL):

**H. 164.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of funeral service with certain modifications; to amend the section of the Code of Alabama 1975, to authorize the board to establish a reasonable examination fee for preparing and administering examinations of the board's applicants.

By Rep. Buskey (JL):

**H. 165.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the hearing aid dealers licensing board with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-14-1 to provide further definitions regarding apprentice permits and hearing aid fitters and dispensers; 34-14-2 to require retail sellers of hearing aids to have a licensed dispenser on their staff; 34-14-3 and 34-14-4 to provide further for licensing requirements of dispensers and fitters; 34-14-6 to provide further for the license renewal fees for fitters and dispensers; 34-14-7 to provide for the requirements and issuance of an apprentice permit;

34-14-8 to allow notices of the state board to be mailed to licensees; 34-14-9 to provide for complaints and disciplinary actions against apprentices; 34-14-10 to require certain information on the receipt of sale of hearing aids; 34-14-11 and 34-14-30 to provide further for the membership and powers of the state board.

By Rep. Buskey (JL):

**H. 166.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of registration for professional engineers and land surveyors, with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-11-8 to increase individual license fees to require a continuing education program for individual licensees of the board and to prescribe a late renewal penalty for corporate licensees; 34-11-9 to require corporate licensees to obtain approval of their corporate charter prior to obtaining a corporate certificate of license and 34-11-36 to provide for the position of assistant executive director.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Wilson, Campbell, Foshee, Hale, Lindsey, Corbett, Bailey, Ghee, Bennett, Parsons, Preuitt, Bolling, Horn, Owens, and Windom:

**S. 403.** To amend Sections 16-8-26, 16-8-26.1, and 21-1-22, Code of Alabama, 1975, relating to personal leave for school personnel so as to provide for the accumulation of personal leave days.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Bennett and Ellis, Waggoner, Dial, Corbett, Ghee, Hale, deGraffenried, Floyd, Lindsey, Windom, Bedsole, Lipscomb, Foshee, Owens, Bolling, Campbell, Wilson, Horn, Amari, Langford, Little, Mitchell, Bailey, and Barron (With Substitute) (With Amendments):

**S. 459.** Relating to public education in Alabama; to provide for the "Alabama Education Reform Act of 1991"; to establish goals for the

improvement of public education in the State of Alabama and to assign certain mandates to the state board of education; to make legislative statements as to intent; to direct the state board of education (the board) to develop standards for a high school graduate and to establish a basic core curriculum for all students with a renewed emphasis on the teaching of English, social studies, mathematics, science and technology skills; to provide for an expanded supplemental curriculum; to eliminate the social promotion of students thus strengthening the promotion and retention standards required of all local school systems; to provide for the assessment of student performance; to provide for the adoption of a performance-based system of school accreditation; to strengthen the role of the state superintendent of education (the superintendent) in the determination and assistance offered to schools that are deemed to be academically and/or financially bankrupt; to require the strengthening of the Alabama high school graduation exam and maximize the use of technology for students; to expand educational choices for parents and students; to require the board to develop a pilot program for students at-risk and implement plans to reduce the dropout rate; to meet the national goals in early childhood development and require the development of an incentive program for innovation in schools; to provide for safe and drug-free schools along with mandatory and enforceable attendance policies; to establish a standards on excellence commission and authorize the voluntary development of year-round schools; to provide for the restructuring and financial tracking of local schools; to establish priorities for meeting the national goal in adult literacy; to establish goals for the lengthening of the school year and employees' salaries; to create a professional teachers standards commission to select or develop an entry level test for teachers and review standards for the teaching profession; to strengthen teacher preparation programs and expand alternative certification for teachers; to establish teacher/mentor programs for first year teachers and expand the mission of the Alabama regional in-service centers; to strengthen the evaluation plan and professional development for administrators and supervisory personnel; to change the fiscal year beginning July 1, 1995; to further require that all matters relating to curriculum be adopted by the board and to repeal existing laws.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Notice and Proof) (With Amendment):

**S. 424.** To provide for a county law library in Madison County,

and for the personnel, space, funding, operation, and maintenance thereof, making said law library part of a network with the other law libraries in the state for their mutual benefit; permitting the present Madison County law library to come under the provisions of this act if it elects to do so; and levying a library fee in certain court cases.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Sanders (With Notice and Proof):

**S. 455.** Relating to Lowndes County; providing further for the compensation of the county coroner and repealing Act No. 620, H. 795, 1967 Regular Session, as amended, and Act No. 515, H. 1135, 1965 Regular Session, as amended.

By Senator Little (With Notice and Proof):

**S. 475.** Relating to the City of Opelika; to provide that the City of Opelika shall not exercise police jurisdiction or taxing power in any county unless a part of its corporate limits also lies in the county.

By Senator Little (With Notice and Proof):

**S. 476.** Relating to Lee County, to impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for a fee for the revenue department for the collection of same; and to provide for penalties for failure to pay.

By Senator Bolling (With Notice and Proof):

**S. 484.** Relating to Fayette County, repealing Act No. 673, H. 1882, 1973 Regular Session, and Act No. 465, H. 885, 1978 Regular Session, relating to the expense allowance of the county superintendent of education.

By Senator Smith (J) (With Notice and Proof):

**S. 498.** Relating to Limestone County; so as to further provide for an additional expense allowance and expiration date therefor and the sheriff's compensation, in the next term of office for sheriff.

By Rep. Ford (With Notice and Proof):

**H. 114.** Providing for a board of education for the City of

Attalla, Alabama, to be elected by the qualified electors of said city; providing that the members of such board shall be elected from defined school districts; providing for the terms of office, qualifications and compensation of such members; prescribing procedures for electing such members and for filling vacancies on such board; providing for board representation for persons not residing within a specific school district; providing certain immunity for such board members; providing for financial audits of the records of such board; and providing that this act shall become effective only upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected school board for the City of Attalla.

By Rep. Ford:

**H. 130.** Proposing an amendment to the Constitution of Alabama of 1901, providing for the election of the members of the board of education in the City of Attalla, Alabama.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Richardson (With Notice and Proof):

**H. 139.** Relating to Jackson County; providing further for the fees for the issuance of pistol permits; providing for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund; and repealing Act No. 211, H. 854, 1971 Regular Session, (Acts 1971, p. 507).

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Richardson (With Notice and Proof) (With Amendment):

**H. 140.** Relating to the City of Scottsboro in Jackson County, granting certain authority to the electric power board.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Newton (C) (With Notice and Proof):

**H. 393.** To alter, rearrange and extend the boundary lines and corporate limits of the Town of Glenwood in Crenshaw County.

By Rep. Newton (C) (With Notice and Proof):

**H. 465.** Relating to the Town of Rutledge in Crenshaw County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing method of voting for council members; providing for the elimination of runoff elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

By Reps. Penry and McMillan (With Notice and Proof):

**H. 470.** Relating to the City of Gulf Shores in Baldwin County, so as to alter, rearrange and extend the boundary lines and corporate limits of the City of Gulf Shores.

By Reps. McMillan and Penry (With Notice and Proof):

**H. 473.** Relating to Baldwin County; to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county; to provide for the collection and payment of such taxes and to provide for the distribution and the use of the funds derived therefrom; to authorize the Baldwin County Commission to make reasonable rules and regulations for the collection of such taxes; to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Baldwin County Commission for the collection of said taxes; and to authorize the county commission to levy two separate one-cent motor fuel taxes in the future.

By Rep. Black (L) (With Notice and Proof):

**H. 493.** Relating to Sumter County; providing certain additional compensation for the poll workers to be paid from the county general fund.

By Reps. McMillan and Penry (With Notice and Proof):

**H. 564.** Relating to Baldwin County, providing further for the

mileage reimbursement for the members of the county commission and providing for a retroactive effect.

By Rep. Warren (With Notice and Proof):

**H. 588.** Relating to Monroe County; to provide for a temporary expense allowance for the sheriff of Monroe County and for an expiration date thereof; to provide for an adjustment in said compensation; to provide for the manner in which such compensation shall be paid; and to provide for enactment dates for such expense allowance and salary.

By Reps. Blakeney and Dolbare (With Notice and Proof):

**H. 589.** Relating to Clarke County; providing further for an expense allowance for members of the county commission.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Ethics Commission.

Respectfully submitted,

GENE ANDERSON,  
Executive Secretary/  
Chief of Staff.

Done this 21st day of May, 1991.

To the Senate of Alabama  
Alabama State House  
Montgomery, Alabama

Lady and Gentlemen:

Having consulted the Lieutenant Governor and the Speaker of the House, I have appointed, subject to your confirmation, Mr. Whit Armstrong from Enterprise, Alabama, to the State Ethics Commission.



He will be replacing Dr. Cordell Wynn and his term will expire September 1, 1994. The signatures of James S. Clark, Speaker of the House, and Jim Folsom, Jr., the Lieutenant Governor, are on file in the Governor's Office.

Respectfully submitted,

GUY HUNT,  
Governor.

Done this 21st day of May, 1991.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Ethics Commission, was read and referred to the Standing Committee on Confirmations.

### RESOLUTION

Senator Bedsole requested and received permission to suspend the Rules to offer the following Senate Joint Resolution, to-wit:

**SJR 88. CREATING A JOINT LEGISLATIVE COMMITTEE ON THE CRISIS IN CHILDREN'S REHABILITATION SERVICES.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee to study the crisis in children's rehabilitation. The committee shall be composed of three members of each house, one member to be appointed by each presiding officer, one member of each house to be appointed by the Governor, and the Chairman of the Finance and Taxation Committee and the Chairman of the Ways and Means Committee. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the proposed or threatened termination of services to the children of this state needing rehabilitation and other medical services provided through the Children's Rehabilitation Services (CRS).

Upon the request of the chairman, the Commissioner of the State Medicaid Agency shall provide such staff assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 30th legislative day of the 1991 Regular Session, at which time the

committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The committee shall have subpoena power.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

#### ADJOURNMENT

At 4:20 P.M., on motion of Senator Preuitt, in accordance with Motion heretofore adopted and pending further consideration of the Bill, SB 124, the Senate adjourned until Thursday, May 30, 1991, at 9 o'clock A.M.

## **FOURTEENTH LEGISLATIVE DAY**

**THURSDAY, MAY 30, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Gary Burton, Pastor, Pintlala Baptist Church, Hope Hull, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Laura Brunson, Saint James School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**MOTION TO ADJOURN**

Senator Preuitt moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, June 4, 1991, at 11 o'clock A.M.

Senator deGraffenried offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Tuesday, June 4, 1991, at 2 o'clock P.M.

On motion of Senator Preuitt, said substitute motion was laid on the table.

Yeas 15 Nays 8

Yeas:

Senators:

Barron, Campbell, Corbett, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Mitchell, Owens, Preuitt, Smith (J), Wilson, and Windom -15

Nays:

Senators:

Amari, Bolling, deGraffenried, Dial, Dixon, Ellis, Little, and Sanders- 8

Senator Amari offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Tuesday, June 4, 1991, at 1 o'clock P.M.

On motion of Senator Preuitt, said substitute motion was laid on the table.

Yeas 16 Nays 9

Yeas:

Senators:

Bailey, Bedsole, Campbell, Corbett, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Preuitt, Smith (J), Waggoner, Wilson, and Windom -16

Nays:

Senators:

Amari, Bolling, deGraffenried, Dial, Dixon, Ellis, Little, Owens, and Sanders - 9

Senator Ellis offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Tuesday, June 4, 1991, at 12 o'clock Noon.

REGULAR SESSION  
14th Day

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On motion of Senator Preuitt, said substitute motion was laid on the table.

Yeas 20 Nays 8

Yeas:

Senators:

Bailey, Barron, Campbell, Corbett, Denton, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Mitchem, Preuitt, Smith (J), Waggoner, Wilson, and Windom -20

Nays:

Senators:

Amari, Bolling, deGraffenried, Dial, Dixon, Ellis, Little, and Sanders- 8

The question recurred on the motion of Senator Preuitt that when the Senate adjourns today, it adjourn to meet again on Tuesday, June 4, 1991, at 11 o'clock A.M., which was adopted.

Yeas 27 Nays 2

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Preuitt, Smith (J), Waggoner, Wilson, and Windom -27

Nays:

Senators:

Amari and Sanders

- 2

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 89. SPECIAL ORDER CALENDAR.**

RESOLVED BY THE SENATE That the following bill shall be the paramount and continuing order of business for the fourteenth legislative day of the 1991 Regular Session and for each day thereafter taking precedence over all other business until disposed of:

Inst Id

Page

**H. 366**

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Birmingham, dog racing auth. at horse track, referendum,  
Secs. 11-65-1 thru 11-65-47 am'd.

Senator Amari offered the following substitute for the Resolution, SR 89, to-wit:

### SUBSTITUTE FOR SR 89

#### SR 89. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bill shall be the paramount and continuing order of business for the fourteenth legislative day of the 1991 Regular Session.

Inst Id	Page
H. 366	119
Birmingham, dog racing auth. at horse track, referendum, Secs. 11-65-1 thru 11-65-47 am'd.	

On motion of Senator Preuitt, said substitute was laid on the table.

Yeas 19 Nays 9

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Parsons, Preuitt, Waggoner, Wilson, and Windom -19

Nays:

Senators:

Amari, Bolling, deGraffenried, Dial, Dixon, Ellis, Little, Owens, and Sanders - 9

Senator Amari then offered the following substitute No. 2 for the Resolution, SR 89, to-wit:

### SUBSTITUTE NO. 2 FOR SR 89

#### SR 89. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bill shall be the paramount and continuing order of business for the fourteenth legislative day of the 1991 Regular Session.

Inst Id	Page
Committee Reports and Local Bills	
H. 366	119
Birmingham, dog racing auth. at horse track, referendum, Secs. 11-65-1 thru 11-65-47 am'd.	

On motion of Senator Preuitt, said substitute was laid on the table.

Yeas 18 Nays 7

Yeas:

Senators:

Bailey, Barron, Bennett, Campbell, Corbett, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Parsons, Preuitt, Waggoner, Wilson, and Windom -18

Nays:

Senators:

Amari, Bolling, deGraffenried, Dial, Ellis, Little, and Owens - 7

And on motion of Senator Preuitt, the Resolution was then adopted by the Senate.

Yeas 20 Nays 6

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, Dixon, Ellis, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Mitchell, Parsons, Preuitt, Waggoner, Wilson, and Windom -20

Nays:

Senators:

Amari, deGraffenried, Lipscomb, Little, Owens, and Sanders - 6

## UNFINISHED BUSINESS

### BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**S. 124.** To authorize the board of pardons and paroles to appoint outside of the merit system former board members or retired probation and parole officers to serve as special hearing examiners from time to time; to define the powers and duties of special hearing examiners; to provide for reimbursement of certain expenses of special hearing examiners; and to provide immunity from civil actions for performance of duty as special hearing examiners.

Senator Hale moved that the Rules be suspended and further consideration of the Bill, SB 124, be postponed.

Senator deGraffenried offered a substitute motion that the Rules be

suspended and further consideration of the Bill, SB 124, be postponed until the Fifteenth Legislative Day.

On motion of Senator Hale, said motion was laid on the table.

Yeas 18 Nays 7

Yeas:

Senators:

Barron, Bennett, Corbett, Dixon, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Mitchell, Mitchem, Parsons, Preuitt, Waggoner, Wilson, and Windom -18

Nays:

Senators:

deGraffenried, Dial, Ellis, Lipscomb, Little, Owens, and Sanders - 7

The question recurred on the motion of Senator Hale that the Rules be suspended and further consideration of the Bill, SB 124, be postponed, which was adopted.

Yeas 17 Nays 7

Yeas:

Senators:

Bailey, Barron, Bennett, Campbell, Ellis, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Mitchell, Parsons, Preuitt, Waggoner, Wilson, and Windom -17

Nays:

Senators:

deGraffenried, Dixon, Floyd, Lipscomb, Little, Owens, and Sanders - 7

## JOURNAL

Senator Hale moved that the reading of the Journal of yesterday be dispensed with and same adopted by the Senate.

Senator deGraffenried offered a substitute motion that the Journal of yesterday be read at length.

On motion of Senator Preuitt, said motion was laid on the table.

Yeas 19 Nays 7

Yeas:

Senators:

Bailey, Barron, Bennett, Campbell, Corbett, Dixon, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Preuitt, Waggoner, Wilson, and Windom -19



Nays:

Senators:

Bolling, deGraffenried, Ellis, Lipscomb, Little, Parsons, and Sanders - 7

The question recurred on the motion of Senator Hale that the reading of the Journal of yesterday be dispensed with and same adopted by the Senate, which motion was adopted.

Yeas 22 Nays 5

Yeas:

Senators:

Bailey, Barron, Bennett, Campbell, Corbett, deGraffenried, Dixon, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Little, Mitchell, Parsons, Preuitt, Smith (B), Waggoner, Wilson, and Windom -22

Nays:

Senators:

Bolling, Ellis, Lipscomb, Owens, and Sanders - 5

### BUDGET ISOLATION RESOLUTION

Senator Hilliard, B.I.R., HB 366, adopted.

Yeas 19 Nays 9  
Abstaining 1

Yeas:

Senators:

Barron, Bennett, Campbell, Corbett, Dixon, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Mitchem, Parsons, Preuitt, Waggoner, Wilson, and Windom -19

Nays:

Senators:

Amari, Bolling, deGraffenried, Ellis, Lipscomb, Little, Owens, Sanders, and Smith (B) - 9

Abstaining: Senator Bailey

- 1

### SPECIAL ORDER

### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

**H. 366.** To amend Chapter 65 of Title 11 of the Code of Alabama 1975, which relates to horse racing and pari-mutuel wagering thereon in Class 1 municipalities, for the following purposes: to make

certain legislative findings concerning the experience of the state's only Class 1 municipality with horse racing and pari-mutuel wagering thereon and the economic desirability of authorizing greyhound racing and pari-mutuel wagering thereon in a Class 1 municipality (now defined by statute to be a city with a population of 300,000 inhabitants or more as certified by the 1970 decennial census); to define the particular terms to be used in said Chapter 65 as amended by this act; to authorize a Class 1 municipality (the "sponsoring municipality") to incorporate a racing commission with power to license and regulate horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both; to provide that a racing commission incorporated pursuant to said Chapter 65 will be subject to the jurisdiction of the state ethics commission; to define a host county for a racing commission as the county in which a majority of the residents of the sponsoring municipality reside and to provide that a racing commission incorporated for a sponsoring municipality will have power to license and regulate racing and wagering activities only in the part of such sponsoring municipality that is located in the host county; to provide for elections in the host county to authorize the incorporation of a racing commission and to determine the powers thereof; to amend said Chapter 65 concerning the appointment of certain members of a racing commission and the appointment of deputy members by certain members; to provide alternative arrangements for the appointment of the treasurer of a commission; to amend said Chapter 65 concerning the powers and duties of a racing commission and to impose certain limitations on such powers and duties respecting the confidentiality of information pertaining to a licensed operator and the rights of such operator to conduct its business under the supervision of the commission; to provide conditions relating to the award and use of licenses for horse racing, greyhound racing and pari-mutuel wagering thereon; to authorize retroactively and ratify the action of an existing racing commission in entering into a contract to grant a prospective licensee a license for greyhound racing and pari-mutuel wagering thereon prior to the legislative enactment of the commission's authority to grant such license; to modify the provisions of said Chapter 65 respecting a license to own or use a horse racing facility; to modify the application and review procedure for granting an operator's license to reflect the additional power and duty of a commission to license and regulate greyhound racing and pari-mutuel wagering thereon; to modify the terms of an operator's license concerning its periodic review and revocation, the allowance of successive three year renewal terms after the initial term of 20 years, and the scheduling and conducting of licensed activities; to modify the ownership requirements applicable to holders of horse racing facility licenses and holders of operator's licenses to conduct horse racing or greyhound racing; to modify the procedure of a commission for reviewing and granting permits for persons to work at a racing facility; to provide for judges for greyhound racing and to modify

the appointment procedure for stewards for horse racing; to authorize and provide rules for the conduct of pari-mutuel wagering on greyhound racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools for greyhound racing that are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering on greyhound racing by each licensed operator to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide for a greyhound racing operator to hold commission racing days in each calendar year with the profits therefrom to go to the commission or charitable organizations designated by the commission; to provide that horse racing or greyhound racing events conducted outside the sponsoring municipality may be televised to a racing facility under the jurisdiction of a commission and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations in the state or in other states; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to other locations in the state or in other states and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations to which such racing events are televised; to modify the purposes for which the net revenues of a racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to modify the prohibitions of said Chapter 65 against certain activities so as to make such prohibitions applicable to greyhound racing and pari-mutuel wagering thereon; to modify the penalties for certain prohibited activities concerning racing and pari-mutuel wagering; in the event that a state racing commission shall be established at any time, to provide in such event that any racing commission created under said Chapter 65 and its licensees for both horse racing and greyhound racing shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission; to provide that the provisions of said Chapter 65 as modified by the act shall be severable; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise both horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, HB 366, to-wit:

## SUBSTITUTE FOR HB 366

A BILL  
TO BE ENTITLED  
AN ACT

To amend Chapter 65 of Title 11 of the Code of Alabama 1975, which relates to horse racing and pari-mutuel wagering thereon in Class 1 municipalities, for the following purposes: to make certain legislative findings concerning the experience of the state's only Class 1 municipality with horse racing and pari-mutuel wagering thereon and the economic desirability of authorizing greyhound racing and pari-mutuel wagering thereon in a Class 1 municipality (now defined by statute to be a city with a population of 300,000 inhabitants or more as certified by the 1970 decennial census); to define the particular terms to be used in said Chapter 65 as amended by this act; to authorize a Class 1 municipality (the "sponsoring municipality") to incorporate a racing commission with power to license and regulate horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both; to provide that a racing commission incorporated pursuant to said Chapter 65 will be subject to the jurisdiction of the state ethics commission; to define a host county for a racing commission as the county in which a majority of the residents of the sponsoring municipality reside and to provide that a racing commission incorporated for a sponsoring municipality will have power to license and regulate racing and wagering activities only in the part of such sponsoring municipality that is located in the host county; to provide for elections in the host county to authorize the incorporation of a racing commission and to determine the powers thereof; to amend said Chapter 65 concerning the appointment of certain members of a racing commission and the appointment of deputy members by certain members; to provide alternative arrangements for the appointment of the treasurer of a commission; to amend said Chapter 65 concerning the powers and duties of a racing commission and to impose certain limitations on such powers and duties respecting the confidentiality of information pertaining to a licensed operator and the rights of such operator to conduct its business under the supervision of the commission; to provide conditions relating to the award and use of licenses for horse racing, greyhound racing and pari-mutuel wagering thereon, including limitations on the right of an operator licensed to conduct greyhound racing to advertise in certain counties from which patrons of existing greyhound racing facilities are drawn; to authorize retroactively and ratify the action of an existing racing commission in entering into a contract to grant a prospective licensee a license for greyhound racing and pari-mutuel wagering thereon prior to the legislative enactment of the commission's authority to grant such license; to modify the provisions of said Chapter 65 respecting a license to own

or use a horse racing facility; to modify the application and review procedure for granting an operator's license to reflect the additional power and duty of a commission to license and regulate greyhound racing and pari-mutuel wagering thereon; to modify the terms of an operator's license concerning its periodic review and revocation, the allowance of successive three year renewal terms after the initial term of 20 years, and the scheduling and conducting of licensed activities; to modify the ownership requirements applicable to holders of horse racing facility licenses and holders of operator's licenses to conduct horse racing or greyhound racing; to modify the procedure of a commission for reviewing and granting permits for persons to work at a racing facility; to provide for the appointment of judges for greyhound racing and stewards for horse racing; to authorize and provide rules for the conduct of pari-mutuel wagering on greyhound racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools for greyhound racing that are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering on greyhound racing by each licensed operator to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide for a greyhound racing operator to hold commission racing days in each calendar year with the profits therefrom to go to the commission or charitable organizations designated by the commission; to provide that horse racing or greyhound racing events conducted at locations outside the state may be televised to a racing facility under the jurisdiction of a commission and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations outside the state; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to locations outside the state and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at the other locations to which such racing events are televised; to modify the purposes for which the net revenues of a racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to modify the prohibitions of said Chapter 65 against certain activities so as to make such prohibitions applicable to greyhound racing and pari-mutuel wagering thereon; to modify the penalties for certain prohibited activities concerning racing and pari-mutuel wagering; to repeal the provisions of said Chapter 65 that exempt any racing commission organized thereunder from the jurisdiction of any state racing commission that might be established pursuant to any law enacted after this act; to provide that the

provisions of said Chapter 65, as modified by this act, shall be severable; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise both horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Legislative Declarations and Findings. Section 11-65-1, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-1. Legislative declarations and findings.

The legislature hereby finds and declares as follows:

(a) ~~It is hereby found and declared as follows: The~~ As the basis for enacting Act No. 84-131, the legislature found and determined that the conduct within Class 1 municipalities in the state of horse racing events and pari-mutuel wagering thereon will generate additional revenues for governmental and charitable purposes, provide additional jobs for the residents of the state and benefit the businesses related to tourism and recreation within any such municipality and throughout the surrounding areas of the state; it is desirable to permit the qualified voters of any Class 1 municipality to determine through referendum whether horse racing and pari-mutuel wagering thereon will be permitted in such municipality; and for each Class 1 municipality in which horse racing is approved by the voters thereof, it is necessary and desirable to provide for the establishment of a racing commission to regulate horse racing and pari-mutuel wagering thereon within such municipality and to administer and enforce the provisions of ~~this chapter~~ said Act No. 84-131.

(b) In the course of enacting Act No. 84-131, the legislature added a requirement that horse racing and pari-mutuel wagering thereon in any Class 1 municipality (the "sponsoring municipality") must be authorized by an election conducted in such municipality and in the county or counties in which such municipality, or any part thereof, is located and that in such election the authorization of horse racing and pari-mutuel wagering thereon must be approved by both (i) a majority of all the voters casting votes in such election and (ii) a majority of the voters casting votes in such election who reside in the sponsoring municipality. Act No. 84-131 provided that the county in which any sponsoring municipality is located would be the "host county", and in the event that a sponsoring municipality is located in more than one county, the host county would be the county in which the largest number of residents of the sponsoring municipality reside. At the time of the enact-

ment of Act No. 84-131, the City of Birmingham was the only Class 1 municipality in the state and, as of the date of these legislative findings, it continues to be the only Class 1 municipality in the state.

(c) As the result of a favorable election held in the City of Birmingham and Jefferson County in 1984, The Birmingham Racing Commission was incorporated in that year pursuant to Act No. 84-131 for the City of Birmingham. At the time of such election, the City of Birmingham was located solely within the boundaries of Jefferson County, and the authorizing election for horse racing and pari-mutuel wagering thereon was held only in Jefferson County. Subsequent to such election and the incorporation of The Birmingham Racing Commission, the City of Birmingham annexed territory located in a county other than Jefferson County, but no election has ever been held in such county authorizing The Birmingham Racing Commission to license and regulate horse racing and pari-mutuel wagering thereon in that part of the City of Birmingham located in such county, and no provision was made in Act No. 84-131 for holding such an election after the incorporation of The Birmingham Racing Commission. As a consequence of these circumstances, horse racing and pari-mutuel wagering thereon is legal only for that part of the City of Birmingham located in Jefferson County, which is the host county of the city for purposes of Act No. 84-131 because, among the counties in which any part of the city is located, it is the county in which the largest number of the residents of the city reside, as determined by the most recent federal decennial census. Although this chapter and amendments thereto constitute general laws applicable to Class 1 municipalities, as of the date of these legislative findings, this chapter applies only to the City of Birmingham, as the sole Class 1 municipality, and notice of the intention to apply for the enactment of this chapter or amendments thereto must be published in accordance with section 106 of the Constitution of Alabama, as amended, in the county or counties where the matter or thing to be affected may be situated. As of the date of these legislative findings, the matters or things to be affected by this chapter, as amended, are horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon under the jurisdiction of The Birmingham Racing Commission, which activities, and the elections to authorize the same, shall be confined to the single host county of the Class 1 municipality to which this chapter applies. As of the date of these legislative findings, said host county is the only county in which notice of the intention to apply for enactment of amendments to this chapter is required to be published in accordance with section 106 of the Constitution of Alabama.

(d) Pursuant to Act No. 84-131, The Birmingham Racing Commission issued an owner's license for the ownership of a horse racing facility located in both the City of Birmingham and Jefferson

County, and an operator's license to conduct horse racing and pari-mutuel wagering thereon at such racing facility. The holders of such licenses, together with related business entities, made a capital investment of more than \$60,000,000 in order to provide a facility for horse racing, and the City of Birmingham and other local governmental entities additionally expended more than \$10,000,000 to provide roads, sewers and other public improvements necessary for the use of such facility.

(e) Although Act No. 84-131, as initially enacted, provided that a commission could grant an owner's or operator's license for horse racing only to an entity which was entirely owned, either directly or indirectly, by natural persons who had been residents of the state for a period of five years next preceding the date of application for such licenses, the legislature in 1987, the first year that horse racing was conducted under licenses from The Birmingham Racing Commission, enacted Act No. 87-615 to liberalize the Alabama residence requirements and thereby permit the horse racing licensees to obtain additional investment capital from out-of-state sources. The economic failure of horse racing in the City of Birmingham, together with the consequent need of the horse racing licensees for additional capital, became readily apparent soon after the commencement of horse racing. The enactment of Act No. 87-615 constituted a remedial response of the legislature to that problem.

(f) The horse racing licensees of The Birmingham Racing Commission were unsuccessful in their efforts to obtain additional financing in the needed amount, and, after reporting operating losses of more than \$16,000,000 in 1987, these licensees were unable to continue horse racing in 1988. On August 29, 1988, the horse racing licensees filed petitions for relief under the United States Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Alabama (the "bankruptcy court"), which court, as of the date of these legislative findings, retains jurisdiction over their affairs.

(g) Despite the effort of The Birmingham Racing Commission to revoke the operator's license for horse racing originally granted by that commission, the bankruptcy court has determined such license to be property of the bankruptcy estate of the horse racing licensees and has enjoined the revocation of such license. In 1989, the bankruptcy court approved a plan of reorganization which provided for the management of the Birmingham racing facility by a company having national experience in the management of pari-mutuel racing facilities and for the funding by such company of operating expenses necessary to conduct horse racing. As part of the plan of such reorganization and pursuant to order by the bankruptcy court, The Birmingham Racing Commission permitted such



company to conduct horse racing through an arrangement making use of the original horse racing licenses granted by the commission. Horse racing was conducted in Birmingham during 1989 and 1990 pursuant to the aforesaid plan of reorganization, but the management company has reported that its efforts to continue horse racing under that plan have resulted in losses of more than \$6,500,000. As a consequence of such losses and the demonstrated lack of financial viability for horse racing in Birmingham, said management company has declined to make additional payments under the plan of reorganization, thereby allowing the banks that hold the first mortgage on the racing facility to foreclose such mortgage and to terminate further operation under the plan of reorganization.

(h) As a consequence of the original plan of reorganization being no longer viable, the horse racing licensees of The Birmingham Racing Commission have filed with the bankruptcy court, and the bankruptcy court has confirmed, a modified plan of reorganization which is based on the premise that horse racing alone cannot be conducted with economic success at the Birmingham racing facility and that the relatively lower operating costs of greyhound racing, together with the greater interest of the public in pari-mutuel wagering on greyhound racing, will enable the Birmingham racing facility to be reopened and successfully operated as a greyhound racing facility. The implementation of the modified plan is subject to the condition, among others, that all actions will be successfully completed that are necessary for greyhound racing and pari-mutuel wagering thereon to become lawful under the jurisdiction of The Birmingham Racing Commission, including (i) the enactment into law of authorizing legislation and (ii) the approval of greyhound racing and pari-mutuel wagering thereon by the voters in any referendum required by such legislation. In anticipation of legislative authorization to license and regulate greyhound racing and as a consequence of the outstanding horse racing licenses being subject to the jurisdiction of the bankruptcy court, The Birmingham Racing Commission has entered into an agreement with the participants in the modified plan of reorganization to issue licenses for both horse racing and greyhound racing to the company which, under the modified plan of reorganization, will have the right to conduct both horse racing and greyhound racing and pari-mutuel wagering thereon at the Birmingham racing facility, subject, however, to the conditions that (i) the award to such company of a license to conduct greyhound racing and pari-mutuel wagering thereon shall comply with all conditions prescribed by the authorizing legislation and (ii) the agreement to award such license shall be enforceable only if and to the extent that the legislature, in the authorizing legislation, shall have retroactively authorized The Birmingham Racing Commission to enter into such agreement.

(i) Gambling in general and the promotion thereof are prohibited in the state by provisions of the Alabama Criminal Code, Article 2, Chapter 12, Title 13A, Code of Alabama 1975, but the legislature has reserved in Section 13A-12-31 the right to enact local statutes, or general statutes applying to one or more municipalities in a class less than the whole of the state, that exempt pari-mutuel wagering at race meetings from the general prohibition of the Alabama Criminal Code. Pursuant to such localized legislative authority, the legislature has for the last 20 years pursued a policy of enacting legislation to authorize greyhound racing and pari-mutuel wagering thereon only in (i) an area with substantial tourist appeal (Mobile County) where greyhound racing was available nearby as a competing attraction in another state and (ii) poor rural counties with high unemployment where greyhound racing would provide economic stimulus and needed tax revenues. Moreover, recognizing that pari-mutuel wagering at race meetings is a regulated business which can succeed financially and recover the substantial capital investment required therefor only if protected from geographically proximate competition, the legislature has heretofore enacted legislation authorizing pari-mutuel wagering at facilities located only in widely separated areas of the state.

(j) The legislature has heretofore authorized horse racing and pari-mutuel wagering thereon only in a Class 1 municipality because the size and cost of horse racing facilities, the magnitude of public attendance required for the successful operation of such facilities, and the scope of public improvements and accommodations necessary to serve such facilities could best be provided by a Class 1 municipality and its surrounding area. The legislature has heretofore been reluctant to authorize greyhound racing and pari-mutuel wagering thereon for Class 1 municipalities because it was believed that such activities would produce relatively greater economic benefit if reserved for other areas of the state that needed the particular kind of economic stimulus provided thereby.

(k) On the basis of the experience of The Birmingham Racing Commission and its horse racing licensees with the continuing economic failure of horse racing, the legislature now finds and determines that greyhound racing and pari-mutuel wagering thereon, as a separate activity or in conjunction with horse racing and pari-mutuel wagering thereon at the same racing facilities, must be made available to Class 1 municipalities if the economic objectives and public purposes of Act No. 84-131, as stated in the original legislative declarations and findings therefor, are to be realized. There is ample evidence and experience to support the conclusion that the lower purse structure and other operating costs of greyhound racing, the opportunity to schedule more racing events during a daily performance, and the greater interest and participation of that portion of the general public inclined to engage in pari-

mutuel wagering, together with other differences related to the nature and amount of wagering, will promise greater economic success for greyhound racing in Class 1 municipalities than the City of Birmingham has heretofore been able to achieve with horse racing alone.

(1) It is therefore necessary and desirable, and in the best interest of the state and the people resident in Class 1 municipalities and the host county of each thereof, that commissions organized under this chapter be given the additional power to license and regulate greyhound racing and pari-mutuel wagering thereon for the purpose of enabling The Birmingham Racing Commission to participate fully in the implementation of the modified plan of reorganization that is pending before the bankruptcy court as of the date of these legislative findings and for the further purpose of enabling the City of Birmingham and any other Class 1 municipality to succeed in future efforts to stimulate economic development and generate additional public revenues through pari-mutuel wagering on greyhound racing or horse racing or both. In view of the contribution made by existing greyhound racing operations to the economic well-being of Greene County and Macon County and the importance of these operations as a source of employment for the people of these counties as well as tax revenues for the support of education and other vital public functions, the legislature deems it desirable to protect the continued viability of greyhound racing in these counties by permitting greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities only on the condition that an operator's license for greyhound racing issued pursuant to this chapter shall restrict advertising by such operator in certain counties from which patrons of the existing greyhound racing operations in Greene County and Macon County are drawn.

(m) It is further necessary and desirable to modify certain provisions of this chapter to assure that both horse racing and greyhound racing, together with pari-mutuel wagering on such activities, shall be licensed, conducted and regulated in a manner that will not allow communication and other technological changes, together with market developments in the pari-mutuel wagering industry, to be implemented beyond the specific intentions of this chapter, as amended, without additional legislative authorization. In particular, it is important for this chapter, as amended, to provide in express terms, and to be strictly construed as so providing, that so-called "off track betting" or wagering of any kind on any racing event conducted at a racing facility licensed under this chapter, or televised to such racing facility from any other location, shall not be permitted at any location in the state other than a racing facility with a track for conducting live horse racing or greyhound racing that is licensed under the provisions of this chapter. It is further

important that the exemption of racing commissions organized under this chapter from the jurisdiction of a state racing commission, as originally provided in this chapter, be repealed in order that the state may have the opportunity to consider and enact legislation that might bring the licensing and regulation of horse racing or greyhound racing and pari-mutuel wagering thereon under the jurisdiction of a state racing commission.

(n) It is further necessary and desirable (i) to permit the qualified voters of the host county of any Class 1 municipality and the qualified voters of such municipality who reside in the host county to determine by an election whether a commission shall be incorporated for such municipality and whether pari-mutuel wagering on horse racing or greyhound racing or both shall be authorized in such municipality, and (ii) in the case of any Class 1 municipality for which the incorporation of a commission and pari-mutuel wagering on either horse racing or greyhound racing, but not both, has been previously approved by an election of the qualified voters of such municipality and the host county, to permit such voters to determine whether the additional activity of pari-mutuel wagering on horse racing or greyhound racing, as the case may be, shall be authorized in that part of such municipality located in the host county."

Section 2. Definitions. Section 11-65-2, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-2. Definitions.

(a) The following words and phrases used in this chapter, and others evidently intended as the equivalent thereof, shall, unless the context clearly indicates otherwise, have the following respective meanings ~~herein~~:

(1) ALABAMA-BRED. ~~When this term is used with reference to a thoroughbred horse or a standardbred horse, it means a horse which is registered in the registry designated and administered by a commission in accordance with such rules concerning domicile and registration requirements as may be established by such commission and which is either (i) foaled from a mare domiciled in the state during the ten seven-year period beginning with January 1, 1991 April 5, 1984, or (ii) sired by an Alabama stallion and foaled from a mare domiciled in the state at any time after the expiration of such ten seven-year period.~~

(2) ALABAMA STALLION. ~~When used with reference to a thoroughbred stallion or a standardbred stallion, means a~~ A stallion which is standing in the state at the time he is bred to the dam of an

Alabama-bred horse, which is registered with a commission, and which is ~~alternatively (i) owned or leased by a resident of the state, and standing the entire stud season in the state, (ii) owned by a resident of another state but standing the entire stud season in the state and leased by a resident of the state for a term of not less than two years or (iii) owned jointly by a resident of the state together with a resident of another state and leased by a resident of the state for a term of not less than two years.~~ For purposes of this definition, a resident of the state may be any one of the following: (i) a natural person whose principal residence is located in the state; (ii) a natural person who does not maintain his or her principal residence in the state but who personally owns, singly or jointly with his or her spouse, real property located in the state that has an original cost to such person or a current fair market value of not less than \$100,000.00; or (iii) a corporation or partnership which has its principal place of business in the state and more than 50 percent of the stock or other ownership interest in which is owned by natural persons described in items (i) or (ii) of this sentence. The the commission with which any Alabama stallion may be registered shall have the power to prescribe rules and regulations governing the manner by which the qualifications of a resident of residence in the state for the owner or lessor of such stallion and the manner by which such qualifications shall be confirmed to such the commission for purposes of this definition.

(3) BREAKAGE. The odd cents by which the amount payable on each dollar wagered exceeds a multiple of 10 cents.

(4) BREEDER. The owner of a mare at the time such mare gives birth to an Alabama-bred ~~thoroughbred or standardbred~~ foal.

(5) BREEDING FUND. A special fund established by a commission pursuant to the provisions of section 11-65-34 and any applicable rules and regulations of such commission for the purpose of promoting the breeding, raising and racing of ~~thoroughbred or standardbred~~ horses in the state.

(6) BREEDING FUND FEE. A fee payable to a commission by ~~an~~ a horse racing operator pursuant to section 11-65-34 for deposit into the breeding fund established by such commission.

(7) COMMISSION. Any public corporation organized pursuant to the provisions of this chapter.

(8) COMMISSION GREYHOUND WAGERING FEE. The license fee payable to a commission by a greyhound racing operator for a particular calendar year, the amount and payment schedule of which

are to be determined in accordance with the provisions of section 11-65-30.

(9)(8) COMMISSION HORSE WAGERING FEE. A The license fee payable to a commission by ~~an~~ a horse racing operator for a particular calendar year, the amount and payment schedule of which are to be determined in accordance with the provisions of section 11-65-30 hereof.

(10) COMMISSION MUNICIPAL JURISDICTION. The territory of a sponsoring municipality that is located within the boundaries of the host county.

(11)(9) DISQUALIFIED PERSON. Any of the following shall constitute disqualified persons:

a. Any person who has ever been found guilty in a court of competent jurisdiction of any corrupt or fraudulent act, practice or conduct in connection with horse or dog racing or any activity involving legal gambling in any state of the United States of America or any other country, or any person who has ever had a license or permit to participate in horse or dog racing or in any activity involving legal gambling denied for just cause, suspended or revoked in any state of the United States of America or in any other country; or

b. Any person who has ever been found guilty in a court of competent jurisdiction of a felony involving moral turpitude, or who has ever been the subject of injunctive or disciplinary action by any federal or state court or regulatory body charged with protecting the public against fraudulent or illegal conduct; or

c. Any person who has ever been indicted by three separate grand juries for any felony or misdemeanor involving moral turpitude, even though such indictments did not result in a conviction; or

d. Any person who has ever been made a principal subject, either singly or in conjunction with others, of investigations by either federal or state law enforcement agencies into activities that violate federal or state laws against criminal conspiracy, racketeering, illegal gambling and other activities associated with organized crime, provided that no person shall be deemed to be a disqualified person because of any such investigations unless they have involved at least three geographically distinct or factually different instances of illegal conduct, or unless they provide convincing grounds, based upon the seriousness and number of alleged offenses, for believing that the person in question has been actively and systematically involved in organized crime and racketeering

with one or more persons previously indicted for or convicted of crimes involving moral turpitude; or

e. Any person if a commission determines that, for any reason, it is not in the best interests of the people of the state, the host county or the sponsoring municipality for such person to own an interest in ~~an~~ a horse racing facility licensee owner or an operator, or any person if the circuit court of the host county determines, pursuant to a proceeding instituted by the district attorney of the host county under the provisions of section 11-65-22, that, for any reason, it is not in the best interests of the people of the state, the host county or the sponsoring municipality for such person to own an interest in ~~an~~ a horse racing facility licensee owner an or operator, provided that any such determination, whether made by the commission or the circuit court, is made pursuant to a hearing of the commission or circuit court, as the case may be, of which such person has notice and an opportunity to be heard; or

f. Any person who owns, directly or indirectly, or holds five percent or more of

1. The combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of a corporation, or

2. The capital interest or the profits interest of a partnership, or

3. The beneficial interest of a trust, estate or other unincorporated entity, ~~enterprise and who, if such person were a natural person, would be if such corporation, partnership, trust, estate or unincorporated entity~~, as the case may be, is a person described in any of the foregoing subparagraphs a through e, inclusive; or

g. The brother or sister, niece or nephew, spouse, ancestor, lineal descendent, or any spouse or former spouse of any person described in the foregoing subparagraphs a through f, inclusive; or

h. A corporation, partnership, trust, ~~or~~ estate or other unincorporated entity of which (or in which) five percent or more of

1. The combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of such corporation, or

2. The capital interest or profits interest of such partnership, or

3. The beneficial interest of such trust, ~~or~~ estate or other unincorporated entity is owned, directly or indirectly, or held by one or

more persons described in any of the foregoing subparagraphs a through g, inclusive; or

i. Any person who owns, directly or indirectly, or holds five percent or more of

1. The combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of any corporation that is described in any of the foregoing subparagraphs a through h, inclusive, or

2. The capital interest or profits interest of any partnership that is described in any of the foregoing subparagraphs a through h, inclusive, or

3. The beneficial interest of any trust, ~~or~~ estate or other unincorporated entity that is described in any of the foregoing subparagraphs a through h, inclusive; or

j. An officer or director (or an individual having powers or responsibilities similar to those of officers or directors), a general or managing partner, an individual acting as executor, administrator or trustee, or a highly compensated employee, professional advisor or consultant (in any case earning five percent or more of the aggregate yearly wages or other compensation paid by an employer for professional services), of any person described in any of the foregoing subparagraphs a through i, inclusive; or

k. Any person who owns, directly or indirectly, or holds an interest of five percent or more of the capital or profits in any partnership or joint venture of which any person described in any of the foregoing subparagraphs a through j, inclusive, also has an interest of five percent or more of the capital or profits in such partnership or joint venture.

For purposes of subparagraphs f1, h1 and i1, the ownership of stock, membership interests and voting power or rights shall be determined in accordance with the rules for constructive ownership of stock under section 267(c) of the Internal Revenue Code of 1986, as amended from time to time and successor provisions thereof, except that, for purposes of this paragraph, section 267(c)(4) of the Internal Revenue Code of 1986 shall be treated as providing that the members of the family of an individual are the members listed in subparagraph g.

For purposes of subparagraphs f2 and f3, h2 and h3, and i2 and i3. and k the ownership of profits or beneficial interest shall be



determined in accordance with the rules for constructive ownership of stock provided in section 267(c) of the Internal Revenue Code of 1986, as amended from time to time and successor provisions thereof (other than section 267(c)(3)), except that section 267(c)(4) shall be treated as providing that the members of the family of an individual are the members listed in subparagraph g.

No person shall be deemed to be a disqualified person hereunder unless he is given notice of the determination that he is a disqualified person, together with the reasons therefor, and, upon request filed within ~~10~~ ten days of such notice, is granted a hearing before the commission or the circuit court making such determination, is permitted to examine the evidence upon which such determination is based, is permitted to cross-examine any witnesses relied upon in such determination, and is permitted to testify in his own behalf and to present witnesses and other evidence on his behalf in public or closed session, as may be requested by such person. Any determination by a commission shall be subject to appeal as provided in section 11-65-12 on the record of such hearing.

(12) GREYHOUND RACING HANDLE. When used with reference to any specified period of time, this term means the total amount of all wagers received by a greyhound racing operator for all pari-mutuel pools originated during such period of time with respect to wagering on greyhound racing at the location where such operator is licensed by the commission to conduct greyhound racing (including wagering on greyhound racing events televised to such licensed location from elsewhere).

(13) GREYHOUND RACING OPERATOR. Any corporation, partnership or other business entity licensed by a commission to conduct greyhound racing and pari-mutuel wagering thereon in accordance with the provisions of this chapter.

(14) HORSE RACING FACILITY LICENSE. A license issued by a commission to own or lease a horse racing facility, or to have and enjoy the use thereof, which is recognized by the commission as effective with respect to a horse racing facility licensee, whether as the result of the original issuance of such license to the licensee, the assignment to the licensee of such license or all or part of any interest therein, or any other legal arrangement providing for the use and enjoyment of such license by the licensee.

~~(15)(17) HORSE RACING FACILITY LICENSEE. OWNER. A corporation, partnership or other business entity licensed by a commission to own a racing facility in accordance with the provisions of~~

~~this chapter.~~ Any person which, through direct issuance by a commission or other legal arrangements accepted or sanctioned by the commission, possesses a horse racing facility license for its use and benefit.

~~(16)(10)~~ HORSE RACING HANDLE. When used with reference to any specified period of time, this term means the total amount of all wagers received by a horse racing operator for all deposited in all of the pari-mutuel pools originated by an operator during such period of time with respect to wagering on horse racing at the location where such operator is licensed by the commission to conduct horse racing (including wagering on horse racing events televised to such licensed location from elsewhere).

~~(17)~~ HORSE RACING OPERATOR. Any corporation, partnership or other business entity licensed by a commission to conduct horse racing and pari-mutuel wagering thereon in accordance with the provisions of this chapter.

~~(18)(11)~~ HOST COUNTY. Any county in which a sponsoring municipality is located. With respect to a sponsoring municipality located in more than one county, "host county" this term means the county in which a majority the largest number of the residents of the sponsoring municipality reside, as determined by the most recent federal decennial census.

~~(19)(12)~~ HOST COUNTY HOUSE DELEGATION. With respect to a host county, the members of the house of representatives of the legislature of Alabama from those representative districts in which are located entirely within such host county, all or a majority of the residents of such district reside in the host county, as determined by the most recent federal decennial census.

~~(20)(13)~~ HOST COUNTY SENATE DELEGATION. With respect to a host county, the members of the senate of the legislature of Alabama from those senatorial districts in which are located entirely within such host county, all or a majority of the residents of such district reside in the host county, as determined by the most recent federal decennial census.

~~(21)(14)~~ MEMBER. A member of a commission.

~~(22)(15)~~ NET COMMISSION REVENUES. All fees (other than breeding fund fees), commissions and other moneys received by a commission and remaining after the payment of all expenses incurred in the administration of this chapter. This term does not include any state

horse wagering fees or state dog racing privilege taxes, which are required to be paid by an operator directly to the state by the operator liable therefor.

~~(23)(16)~~ OPERATOR. As may in the context be appropriate, this term means a horse racing operator or a greyhound racing operator. A corporation licensed by a commission to conduct horse racing events and pari-mutuel wagering thereon in accordance with the provisions of this chapter.

~~(24)(18)~~ PERSON. ~~Whether or not appearing as a capitalized term, means any~~ Any natural person, corporation, partnership, joint venture, trust, government or governmental body, political subdivision or other legal entity as in the context may be possible or appropriate.

(25) RACING DAY. Whether used with reference to horse racing or greyhound racing, this term means a period which begins at 8:00 o'clock, A.M. on any calendar day (including Saturdays) except any Sunday, Thanksgiving Day or Christmas Day and which continues until 2:00 o'clock, A.M. on the next succeeding calendar day.

(26) RACING FACILITY or RACETRACK FACILITY. When used with respect to any facility located in the state, these terms, and any similar thereto, mean a racetrack at which live horse racing or greyhound racing can be conducted for direct viewing by spectators, together with the viewing stands, pari-mutuel wagering facilities, restaurants, and other physical facilities and improvements that together constitute such racing facility or racetrack facility. Under no circumstances shall the terms racing facility or racetrack facility, or any similar thereto, be construed to refer to any public or private place of assembly or accommodation of any kind (other than a racetrack facility where live horse racing or greyhound racing can be conducted) where so-called "off-track betting" could be conducted.

~~(27)(19)~~ SPONSORING MUNICIPALITY. Any municipality for which a commission shall be created in accordance with the provisions of this chapter.

~~(28)(20)~~ STALLION OWNER. The owner of a stallion standing in the state at the time he was bred to the dam of an Alabama-bred ~~thoroughbred or standardbred~~ horse.

~~(29)(21)~~ STATE. The state of Alabama.

(30) STATE DOG RACING PRIVILEGE TAX. The privilege tax levied by the state pursuant to Chapter 26A, Title 40, Code of Alabama

1975, on every person engaged in the business of operating a dog racing track.

(31)(22) STATE RACING COMMISSION. Any department, agency or instrumentality of the state, whether or not constituting a corporate entity separate from the state, that may at any time, whether before or after April 5, 1984, be created, organized or established for the purpose, among other purposes, of licensing, regulating or supervising horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon.

(32)(23) STATE HORSE WAGERING FEE. ~~A~~ The license fee payable to the state by ~~an~~ a horse racing operator, the amount and payment schedule of which are to be determined in accordance with the provisions of section 11-65-29 hereof.

(b) The words "herein," "hereby," "hereunder," "hereof" and other equivalent words refer to this chapter as an entirety and not solely to the particular section or portion thereof in which any such word is used. The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders."

Section 3. Creation of Racing Commission by Class 1 Municipality; Status of Commission; Jurisdiction of State Ethics Commission. Section 11-65-3, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-3. Class 1 municipalities authorized to create ~~horse~~ racing commission; status of commission; powers and duties generally; disposition of fees; jurisdiction of state ethics commission.

A commission is authorized to be created in accordance with the provisions of this chapter for each Class 1 municipality, as Class 1 municipality is defined in section 11-40-12 or any successor provision of law. Any commission created for any sponsoring municipality pursuant to the provisions of this chapter shall be named "~~4~~The \_\_\_\_\_ (the name of the sponsoring municipality shall be inserted in the blank) ~~Racing~~ ~~e~~Commission" and shall be a public corporation having a legal existence separate and apart from the state and any county, municipality or political subdivision thereof. A commission shall be vested with the powers and duties specified in this chapter and all other powers necessary and proper to enable it to execute fully and effectively the purposes of this chapter. Anything contained in this chapter to the contrary notwithstanding, no commission shall have any legal authority to

license and regulate any racing and wagering activity at facilities located in any part of the sponsoring municipality outside the host county or in any part of the host county outside the sponsoring municipality. Immediately upon the incorporation of a commission in accordance with the provisions of this chapter, horse racing and pari-mutuel wagering thereon conducted in the sponsoring municipality in accordance with the provisions of this chapter shall be lawful, notwithstanding any other provision of law to the contrary. Any commission that was authorized by an election held in the sponsoring municipality and the host county prior to April 16, 1991, pursuant to then effective provisions of this chapter and that was validly incorporated pursuant to such authorization shall continue in existence with full powers under this chapter, and the members of such commission shall continue in office for the current terms for which they were respectively appointed or serve ex officio, without further action being required under the provisions of this chapter, as amended subsequently to the date of the incorporation of such commission or the respective beginning dates of such members' current terms of office.

Notwithstanding any provisions hereof which connect the state with the creation and control of a commission, any commission incorporated pursuant to the provisions of this chapter shall not be deemed to be part of the state for any purpose, but shall be treated as a public corporation and body politic separate and apart from the state. Except for the state horse wagering fee and the state dog racing privilege tax, all taxes, fees, commissions and other moneys which a commission shall be authorized by this chapter to charge, levy or receive or which shall be levied upon or charged for the privilege of conducting horse racing, greyhound racing or pari-mutuel wagering thereon shall be deemed to be moneys belonging exclusively to such commission, and no allocation or payment of such moneys authorized or mandated by this chapter shall be considered to be an appropriation of moneys belonging to or controlled by the state, the host county or the sponsoring municipality.

Notwithstanding any provisions hereof which connect a commission with its sponsoring municipality, the host county or any other county or municipality [including, without limitation thereto, the provisions of section 11-65-4 hereof regarding ~~a referendum~~ an election in the sponsoring municipality host county and the part of the sponsoring municipality located therein to approve the incorporation of a commission and the provisions of section 11-65-5 hereof providing for (1) the mayor or other chief executive officer of the sponsoring municipality to serve ex officio as one member of a commission or, in lieu of such ex officio service, to appoint a member of such commission and (2) the president or other designated presiding officer of the county commission of the host county to serve ex officio as one member of a

commission or, in lieu of such ex officio service, to appoint a member of such commission], any commission incorporated pursuant to the provisions of this chapter shall not be deemed to be a local agency or instrumentality of the sponsoring municipality or the host county, but shall be treated as a public corporation and body politic having rights, powers and duties which, to the extent herein specified, shall be effective without reference to the rights, powers, duties and territories of the sponsoring municipality and the host county. ~~Except for the state wagering fee, all fees, commissions and other moneys which a commission shall be authorized by this chapter to charge, levy or receive shall be deemed to be moneys belonging exclusively to such commission, and the sponsoring municipality and the host county shall have no interest therein except to the limited extent expressly provided by this chapter.~~

Any racing commission incorporated pursuant to the provisions of this chapter shall be subject to the jurisdiction of the state ethics commission and to the provisions of Chapter 25, Title 36, Code of Alabama 1975, and the members of such racing commission shall be deemed public officials subject to the provisions of said Chapter 25. Any officer or employee of a racing commission shall be deemed a public employee for purposes of said Chapter 25 as and to the extent provided in said Chapter 25."

Section 4. Elections Required to Approve Incorporation of Commission and Conduct of Racing and Pari-Mutuel Wagering Thereon. Section 11-65-4, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-4. Referendum to approve commission. Elections required to approve incorporation of commission and conduct of racing and pari-mutuel wagering thereon.

(a) The governing body of any Class 1 municipality shall call and provide for holding a referendum for the purpose of determining if a commission shall be incorporated for such municipality pursuant to this chapter. The initial referendum shall be held not less than 45 days nor more than 90 days after April 5, 1984 and shall be advertised, held, conducted and the results thereof canvassed and declared in the manner provided by law for advertising, holding, conducting and canvassing other municipal elections and as said governing body shall provide in the resolution or ordinance calling such election. The No commission shall be incorporated for a Class 1 municipality and no horse racing or greyhound racing or pari-mutuel wagering thereon shall be permitted in such municipality pursuant to this chapter unless the incorporation of such commission, together with the conduct of horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon

or both such activities, shall have been authorized by an election held in the host county in which such incorporation and such racing and wagering activities shall have been approved by both (i) a majority of the votes cast in such election by voters who reside in the host county (including those voters who reside in the sponsoring municipality) and (ii) a majority of the votes cast in such election by voters who reside in the commission municipal jurisdiction. In order to authorize the holding of the required election in the host county, the governing body of any Class 1 municipality desiring to be the sponsoring municipality of a commission may adopt an ordinance or resolution requesting the county commission of the host county to call an election to be held in the host county on the question of incorporating a commission, and in such ordinance or resolution the governing body of the sponsoring municipality shall determine the date of such election, which (subject to the provisions of subsection (e) of this section 11-65-4) shall not be less than 45 days nor more than 90 days after the date of the adoption of such ordinance or resolution, and shall further determine which of the following alternatives shall be authorized in the commission municipal jurisdiction by such election: (i) horse racing and pari-mutuel wagering thereon; (2) greyhound racing and pari-mutuel wagering thereon; or (3) both horse racing and greyhound racing with pari-mutuel wagering on both racing activities. Depending on the alternative selected by the governing body of the sponsoring municipality, the question to be ~~voted on~~ presented to the voters shall be stated on the ballots or voting machine tags substantially as follows:

"Do you favor the ~~authorization of horse racing and pari-mutuel wagering thereon in~~ creation of a racing commission for the eCity of [(insert the name of the sponsoring municipality)] and the ~~creation of a racing commission for said city to license, regulate and supervise horse racing and pari-mutuel wagering thereon as provided in Act No. \_\_\_\_\_~~ [(insert act number)] adopted at the \_\_\_\_\_ [(insert session identification)] Session of the legislature of Alabama?" authorization of [(insert here one of the following alternatives selected by the governing body of the sponsoring municipality in the ordinance or resolution calling the election)]

"horse racing and pari-mutuel wagering thereon"

or

"greyhound racing and pari-mutuel wagering thereon"

or

"both horse racing and greyhound racing, with pari-mutuel wagering on both such racing activities,"

in that part of said city located in \_\_\_\_\_ [insert the name of the  
host county], as provided in Chapter 65, Title 11, Code of Alabama  
1975?"

Yes \_\_\_\_\_

No \_\_\_\_\_

The sponsoring municipality shall promptly furnish a certified copy of the ordinance or resolution calling such election to the county commission of the host county, whereupon such county commission shall be required to call an election in the host county to be held on the question and on the date specified in such ordinance or resolution. The election so called shall be held only among the qualified voters of the host county, and no voters of the sponsoring municipality who reside in counties other than the host county shall be permitted to vote in such election. If the majority of the votes cast in such election are "Yes", and if the majority of the votes cast in such election by voters who are residents of the commission municipal jurisdiction are "Yes", then this chapter shall become operative with respect to such municipality, a commission may be incorporated therefor, and the racing and wagering activities authorized by such election shall be legal in the commission municipal jurisdiction, as and to the extent conducted in accordance with the provisions of this chapter, but such activities shall continue to be illegal in those parts of the sponsoring municipality outside such jurisdiction. If the majority of the votes cast in such election are "No", or if the majority of the votes cast in such election by voters who are residents of the commission municipal jurisdiction are "No", then this chapter shall have no further effect with respect to such municipality, unless the governing body thereof should later request the county commission of the host county to call another election subject to the provisions of subsection (d) of this section 11-65-4.

(b) In any case where an election has been previously held for a sponsoring municipality and the host county thereof in accordance with the then effective provisions of this chapter that authorized either horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon, but not both such racing activities, and a commission has been incorporated for such municipality and is in operation, the racing and wagering activity not authorized by such previous election shall not be permitted in such municipality pursuant to this chapter unless the same shall have been authorized by another election held in the host county in which such activity shall have been approved by both (i) a majority of the votes cast in such election by voters who reside in the host county (including those voters who reside in the sponsoring municipality) and (ii) a majority of the votes cast in



such election by voters who reside in the commission municipal jurisdiction. In order to authorize the holding of the required election in the host county, the governing body of the sponsoring municipality may adopt an ordinance or resolution requesting the county commission of the host county to call an election to be held on the question of authorizing any racing and wagering activity covered by this chapter that has not theretofore been authorized by an election, and in such ordinance or resolution the governing body of the sponsoring municipality shall determine the date of such election, which (subject to the provisions of subsection (e) of this section 11-65-4) shall not be less than 45 days nor more than 90 days after the date of the adoption of such ordinance or resolution, and shall further specify the racing and wagering activity, whether horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon, that is to be authorized by such election; provided, however, that, anything contained in this chapter to the contrary notwithstanding, in the case of any Class 1 municipality for which horse racing and pari-mutuel wagering thereon has been authorized by an election held prior to April 16, 1991, the governing body of such municipality is hereby mandated to request the county commission of the host county call an election before January 1, 1992, in accordance with the provisions of this section 11-65-4 for purpose of determining whether greyhound racing and pari-mutuel wagering thereon shall be permitted in the commission municipal jurisdiction. Depending on which racing and wagering activity is to be authorized by the election, the question to be voted on shall be stated on the ballots or voting machine tags substantially as follows:

"Do you favor the authorization of [insert here one of the following alternatives specified by the governing body of the sponsoring municipality in the ordinance or resolution calling the election]

"horse racing and pari-mutuel wagering thereon"

or

"greyhound racing and pari-mutuel wagering thereon"

in that part of the City of \_\_\_\_\_ [insert the name of the sponsoring municipality] located in \_\_\_\_\_ [insert the name of the host county], as provided in Chapter 65, Title 11, Code of Alabama 1975?"

Yes \_\_\_\_\_

No \_\_\_\_\_

The sponsoring municipality shall promptly furnish a certified copy of the ordinance or resolution calling such lection to the county commission

of the host county, whereupon such county commission shall be required to call an election in the host county to be held on the question and on the date specified in such ordinance or resolution. The election so called shall be held only among the qualified voters of the host county, and no voters of the sponsoring municipality who reside in counties other than the host county shall be permitted to vote in such election. If the majority of the votes cast in such election are "Yes", and if the majority of the votes cast in such election by voters who are residents of the commission municipal jurisdiction are "Yes", then the racing and wagering activity authorized by such election, in addition to the racing and wagering activity previously authorized to be conducted in the commission municipal jurisdiction, shall be legal in such jurisdiction, as and to the extent conducted in accordance with the provisions of this chapter, but such activity shall continue to be illegal in those parts of the sponsoring municipality outside such jurisdiction. If the majority of the votes cast in such election are "No", or if the majority of the votes cast in such election by voters who are residents of the commission municipal jurisdiction are "No", then the racing and wagering activity that was the subject of such election shall not be legal in the commission municipal jurisdiction, unless the governing body of the sponsoring municipality should later call another election subject to the provisions of subsection (d) of this section 11-65-4; provided, however, that the disapproval by the voters in any election of any additional racing and wagering activity to be conducted in the commission municipal jurisdiction shall not revoke or impair any previous authorization for other racing and wagering activity, which authorization shall continue in full force and effect.

(c) If the majority of the votes cast in any referendum are "Yes," this chapter shall become operative with respect to the municipality conducting such referendum, and horse racing and pari-mutuel wagering thereon shall be legal in such municipality as and to the extent conducted in accordance with the provisions of this chapter; if the majority of the votes cast in such election are "No," this chapter shall have no further effect with respect to such municipality, unless the governing body thereof should later call another referendum. One or more subsequent referenda may be called by the governing body of a Class 1 municipality if the question submitted at the initial or any subsequent referendum fails to receive a majority of favorable votes; provided, however, that not more than one referendum may be called by any municipality in each calendar year. Once authorized and incorporated, a commission may not be dissolved except pursuant to general act of the legislature of Alabama applicable to such commission. The appropriate election officials of the sponsoring municipality and the host county are hereby directed to cooperate in calling and conducting any election held pursu-

ant to the provisions of subsection (a) or (b) of this section 11-65-4 and in canvassing and declaring the results of such election. Any such election shall be called, advertised, conducted and the results thereof canvassed and declared in the manner provided by law for calling, advertising, conducting and canvassing other county elections on propositions submitted to the voters of the host county and as the governing body of the host county shall provide in the resolution calling such election; provided, however, that, notwithstanding any statute which requires, or might be interpreted to require, notice of such election in the sponsoring municipality to be published more than 30 days before such election, it is hereby expressly provided that the publication of notice of an election at least 30 days prior thereto prescribed by section 17-7-5 for county elections shall also apply to the publication of notice of such election in the sponsoring municipality. The election officials of the sponsoring municipality and the host county are hereby directed to cooperate in preparing voter lists and establishing polling places that will enable the results of such election in the commission municipal jurisdiction to be separately determined from the results of such election in the host county as a whole. The costs of conducting any election pursuant to the provisions of subsection (a) or (b) of this section 11-65-4 shall be equitably apportioned between the sponsoring municipality and the host county according to agreement among the respective election officials of each such political subdivision or according to such other statutes as may at the time be applicable to the division of such election costs between the sponsoring municipality and the host county. In the event that the election officials of the sponsoring municipality and the host county cannot agree on a division of election costs and no other statute governs the division of such costs, such costs shall be divided equally among the sponsoring municipality and the host county. The results of any referendum conducted for a Class 1 municipality election conducted pursuant to this chapter shall be certified to the secretary of state, within 30 days after the election returns are canvassed, by the officer then authorized by law to certify proceedings taken by the election commission, board of canvassers or other body then required by law to canvass and declare the results of elections held in ~~such municipality,~~ the host county.

(d) One or more subsequent elections may be requested by the governing body of a Class 1 municipality to be called by the county commission of the host county if the question submitted at the preceding election called pursuant to subsection (a) or (b) of this section 11-65-4 does not receive the required majority of the votes cast by voters of both the host county and the commission municipal jurisdiction; provided, however, that not more than one election in each calendar year may be requested to be called pursuant to said subsection (a) or (b) by the governing body of any Class 1 municipality. Any such subsequent election shall be called, advertised, conducted and the results thereof

canvassed and declared in the same manner and subject to the same conditions as the preceding election called pursuant to said subsection (a) or (b), as the case may be.

(e) If any election permitted or required to be held pursuant to subsection (a) or (b) of this section 11-65-4 can be scheduled for the date on which the sponsoring municipality is required by law to hold an election for its mayor or for two or more members of its governing body, then, in order to minimize the costs of conducting any election permitted or required to be held pursuant to said subsection (a) or (b), the sponsoring municipality is hereby mandated to schedule such election for the date on which its mayor or two or more members of its governing body will next be elected; provided, however, that the sponsoring municipality shall not be required to schedule any election permitted or required to be held pursuant to said subsection (a) or (b) on the date required by law for the election of the mayor or two or more members of the governing body of such municipality if such election would thereby be delayed for more than six months.

Section 5. Composition of Commission. Section 11-65-5, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-5. Composition of commission; terms; qualifications; removal from office.

(a) Every commission shall have five members, which shall constitute its governing body. All powers of a commission shall be exercised by its members or pursuant to their authorization. The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county shall each serve as a member ex officio, unless such official exercises his or her right, as provided in subsection (b) of this section 11-65-5, to appoint a fixed-term member to serve in lieu of such official. ~~and~~ The service of each such official as a member shall begin and end concurrently with the beginning and ending of his or her tenure in such office and shall end with the ending of such tenure or the appointment by such official of a fixed-term member to serve in lieu of his or her ex officio service. The other three members shall be appointed in the manner hereinafter prescribed as soon as may be practicable after the certification to the secretary of state of a favorable vote at an election ~~a referendum~~ called and held pursuant to section 11-65-4. The lieutenant governor of the state, the host county house delegation and the host county senate delegation shall each appoint one member; provided, however, that the provisions of this chapter conferring upon the lieutenant governor of the state the power to appoint one member of each commission are hereby expressly declared to be severable from the

other provisions of this chapter, and if the provisions conferring such power upon the lieutenant governor shall be determined by any court of competent jurisdiction to be invalid because of any defect in the notice required to be published with respect to this chapter by sections 106 and 110 of the Constitution of Alabama, as amended, or to be invalid for any other reason, such determination shall not affect, impair or invalidate the remaining provisions of this chapter, and in such case, the mayor or other chief executive officer of the sponsoring municipality shall have the right to appoint the member of each commission that, absent such determination, would have been appointed by the lieutenant governor, all subject to the same terms and conditions herein that would be applicable to an appointment made by the lieutenant governor. The appointments of members by the host county house delegation and the host county senate delegation shall be made at meetings of the members of the respective delegations held pursuant to the call of the mayor or other chief executive officer of the sponsoring municipality, who shall provide the members of each delegation with written notice of any such meeting at least ~~10~~ ten days prior to the date set therefor. All meetings of the host county house delegation or the host county senate delegation called and held pursuant to this chapter shall be open to the public. Any appointment of a member by the host county house delegation or the host county senate delegation must be approved by a majority of the members of such delegation voting in person at a public meeting called and held pursuant to this chapter. Any meeting of the host county house delegation or the host county senate delegation at which fewer than a majority of the members of such delegation are present, or at which no appointment of a member is made because of a failure to obtain the approval of a majority of the members of such delegation, may be adjourned to a future time and place announced at such meeting; provided that, if either delegation fails to appoint a member within 30 days of the date of the first meeting called for the purpose of such appointment, the right of such delegation to appoint a member shall terminate and such appointment shall be made as soon thereafter as practicable by the mayor or other chief executive officer of the sponsoring municipality.

(b) The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county shall each have the right, exercisable in his or her discretion and at any time during his or her tenure as such official, to appoint a member of the commission to serve in lieu of such appointing official for a fixed term from the effective date of such appointment until the end of the current term of office of the appointing official. Any such appointed member shall, during his or her term, exercise the full rights and powers of a member of the commission that the appointing official would have possessed if he or she had chosen to serve as an ex officio member. Any such appointed member shall also

comply with the qualifications set forth in subsection (f) of this section 11-65-5, except that the mayor or other chief executive officer of the sponsoring municipality may, in his or her discretion, appoint a member of the governing body of the sponsoring municipality to serve as a fixed-term member of the commission, and the president or other designated presiding officer of the county commission of the host county may, in his or her discretion, appoint a member of the county commission to serve as a fixed-term member of the commission.

(c) The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county shall have the right, exercisable in the discretion of each such official and at any time and from time to time during his or her tenure as such official, to appoint a deputy member of the commission to represent such ex officio member in connection with the business of the commission. In the event that, pursuant to subsection (b) of this section 11-65-5, a member of the governing body of the sponsoring municipality is appointed as a fixed-term member of the commission or a member of the county commission of the host county is appointed as a fixed-term member of the commission, then each such appointed member shall have the same right to appoint a deputy member as would belong to the appointing official if he or she chose service as an ex officio member. Any deputy member shall be appointed by a letter signed by the appointing member and filed with the executive secretary of the commission, which letter shall specify the period of time for which such deputy member shall be appointed or, if not for a period of time, the particular meeting or other business for which he or she shall be appointed. Any deputy member shall serve at the pleasure of the appointing member, and his or her appointment may be revoked at any time during the term of office of the appointing member by a letter signed by the appointing member and filed with the executive secretary of the commission. The appointment of any deputy member shall be automatically revoked when the appointing member ceases to be a member of the commission for any reason. Each member of the commission entitled to appoint a deputy member may, during his or her term of office, appoint and remove from office as many deputy members as he or she may choose, provided that at any given time such member may have no more than one validly appointed deputy member. Any deputy member shall comply with the qualifications set forth in subsection (f) of this section 11-65-5, except that the mayor or other chief executive officer of the sponsoring municipality or any fixed-term member appointed to serve in lieu of such official, may, in his or her discretion, appoint a member of the governing body of the sponsoring municipality or a full-time officer or employee of such municipality to serve as deputy member, and the president or other designated presiding officer of the county

commission of the host county or any fixed-term member appointed to serve in lieu of such official may, in his or her discretion, appoint a member of the county commission of the host county or a full-time officer or employee of such county to serve as deputy member. Any deputy member validly appointed and serving in accordance with the provisions of this section 11-65-5 shall be entitled to exercise all powers and perform all functions and duties of the member who appointed such deputy member, including, without limitation, the right to vote on all matters coming before the commission when such appointing member is not present.

(d)(b) The member to be appointed by the lieutenant governor of the state shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the third calendar year next following the calendar year in which the referendum election authorizing the incorporation of the commission shall be conducted; the member to be appointed by the host county house delegation shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the fourth calendar year next following the calendar year in which the referendum election authorizing the incorporation of the commission shall be conducted; the member to be appointed by the host county senate delegation shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the fifth calendar year next following the calendar year in which the referendum election authorizing the incorporation of the commission shall be conducted. Thereafter, the term of office of each appointed member shall be five years, commencing at noon on the July 1 on which the term of the immediate predecessor member shall end.

(c) (e) If at any time there shall be a vacancy among the appointed members of a commission (i.e., those members who do not serve ex officio), a successor member shall be appointed to serve for the unexpired term applicable to such vacancy; provided, however, that any official entitled ex officio (e.g., the mayor of the sponsoring municipality or the president of the county commission of the host county) to a vacant membership previously held by a member appointed in lieu of such official may, instead of appointing a successor, resume his or her ex officio membership by filing written notice to that effect with the secretary of state and the executive secretary of the commission. The appointment of each appointed member appointed by the lieutenant governor, the host county house delegation or the host county senate delegation, as the case may be (other than those initially appointed), whether for a full five-year term or to complete an unexpired term, shall be made by the officer or legislative delegation responsible for the appointment of the member whose term shall have expired or is to expire or in whose position a vacancy otherwise exists and shall be made not earlier than 30

days prior to the date on which such member is to take office as such. If the term of any such member shall expire prior to the reappointment of such member or prior to the appointment of his successor, such member shall continue to serve until his successor is appointed, and if such member is reappointed for a new term after the expiration of the immediately preceding term which he has been serving, his new term of office shall be deemed to have commenced at noon on the July 1 on which the immediately preceding term shall have expired. Any member appointed pursuant to subsection (b) of this section 11-65-5 shall not serve beyond the term for which appointed, and upon the expiration of such term, the position previously held by such member shall immediately revert to the official entitled thereto by reason of his or her office, and such official shall continue as ex officio member of the commission until the expiration of his or her current term of office, the vacation of such office prior to the expiration thereof, or the appointment of someone pursuant to said subsection (b) to serve as a member in lieu of such official, as the case may be. Members appointed by any appointing authority shall be eligible for reappointment without limit as to the number of terms previously served. In the event that any appointments required to be made by the lieutenant governor, the host county house delegation or the host county senate delegation are not made within 60 days after the certification to the secretary of state of a favorable vote at a referendum an election called and held pursuant to this chapter (in the case of initial appointments), or within 30 days of the end of a term or other vacancy, then a vacancy shall be filled or a successor member appointed by a majority of the members of the commission holding appointments already made or serving as ex officio members. Appointments shall be evidenced by a written certificate executed by the appointing official, or, in the case of appointments made by a majority of the other members, by a certificate signed by the members making such appointment, or, in the case of appointments made by a legislative delegation, by the members of the delegation voting for such appointment or by a member of the delegation designated to serve as the secretary of the meeting at which such appointment is made and to report the results thereof to the secretary of state. The certificates evidencing the appointment of members of a commission shall be addressed and delivered to the secretary of state, who shall maintain the originals of such certificates as official records in his office, and copies of such certificates shall be furnished to the executive secretary of the commission.

(f)(d) Each appointed member of any commission shall have been a resident of the host county for a period of at least five years prior to his or her appointment and shall, at the time of his or her appointment and at all times during his or her term of office, be a resident of the host county and a qualified elector of the state, and a failure by any appointed



member to remain so qualified during such term of office shall cause a vacancy of the office of such member. Except as otherwise provided in subsections (b) and (c) of this section 11-65-5, No person serving as a member of the legislature of the state, serving as a member of the governing body of any municipality, county or other political subdivision of the state, or holding a full-time office or position of employment with the United States of America, the state, any county or municipality in the state, or any instrumentality, agency or subdivision of any of the foregoing, shall be eligible for appointment as a member or deputy member of a commission. Service by any person as a member, director, trustee or other participant in the management or administration of any governmental agency, board or commission, or public educational institution, or other public body of the United States of America, the state, or any county or municipality or other political subdivision shall not render such person ineligible for appointment as a member of a commission unless such service constitutes full-time employment. Each appointed member shall be of good moral character and shall never have been convicted of a felony or other offense involving moral turpitude. Each appointed member of a commission shall make and submit to the appointing officer or legislative delegation responsible for his or her appointment an affidavit confirming his or her qualifications, as set forth in the preceding provisions of this subsection (d), to serve as a member of a commission, which affidavit shall be filed with the secretary of state along with the aforesaid certificate evidencing such appointment. Any appointed member of a commission who in such affidavit intentionally makes a false statement of material fact or intentionally fails to disclose any information necessary to make any statement of material fact made therein not misleading shall be guilty of perjury and shall be subject to prosecution and punishment therefor in the same manner as if he had committed perjury as a witness in open court.

(g)(e) Any person who is an appointed member of a commission shall be deemed to vacate his or her office as such member by (1) the acceptance of any office or employment which, had such person held such office or been so employed at the time of his or her appointment as a member, would have rendered such person ineligible for appointment as a member or (2) the occurrence of any event or circumstance involving the character of such person which, had such event or circumstance occurred prior to the time of his or her appointment as a member, would have precluded such appointment. Any appointed member may be impeached and removed from office as a member of a commission in the same manner and on the same grounds provided in section 175 of the Constitution of Alabama of 1901, or successor provision thereof, and the general laws of the state for impeachment and removal of the public officers subject to said section 175 or successor provision thereof. The mayor or other chief executive officer of the

sponsoring municipality and the president or other designated presiding officer of the county commission of the host county may not be impeached and removed from office as a member of a commission apart from their impeachment and removal from ~~the~~ their respective offices by virtue of which, ex officio, they serve as members."

Section 6. Incorporation of Commission. Section 11-65-6, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-6. Incorporation of commission.

The five persons initially designated as members of a commission shall become a corporation with the power and authority provided in this chapter by proceeding according to the provisions of this chapter. To become a corporation, the persons so designated shall present to the secretary of state an application signed by them which shall contain the following:

(1) A statement that the applicants propose to incorporate a commission pursuant to this chapter;

(2) The name and principal residence of each of the applicants;

(3) The date on which each applicant who is not an ex officio member was appointed as a member and the expiration date of the term for which he was appointed;

(4) The term of office for each applicant who is an ex officio member;

(5) The name of the proposed corporation, which shall be ~~the~~ "§The \_\_\_\_\_ [name of the sponsoring municipality] ~~Racing~~ Commission";

(6) The location of the principal office of the proposed corporation, which shall be in the sponsoring municipality; and

(7) Any other matter relating to such commission which the applicants may choose to insert and which is not inconsistent with this chapter or the laws of the state.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state to take acknowledgments to deeds. The secretary of state shall examine the application and determine if the certificate of the appropriate election

officials has been filed with his office, as required by section 11-65-4, confirming the results of the election which authorizes the incorporation of the commission and empowers it to license and regulate racing activities and pari-mutuel wagering thereon, and if the secretary of state finds that the application for incorporation of a commission substantially complies with the requirements of this section and that the certified results of the election show the required approval for such incorporation, he shall receive, file and record such application in an appropriate book of records in his office.

When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation under the name stated in the application, without the necessity of any further action under any other laws of the state applicable to the creation of corporations, and the secretary of state shall make and issue to the applicants a certificate of incorporation pursuant to this chapter, under the great seal of the state, and shall record the certificate with the application and the certificate of election results. There shall be no fees paid to the secretary of state for any work done in connection with the incorporation or dissolution of any commission. Once authorized by the election required by section 11-65-4 and incorporated, a commission may not be dissolved except pursuant to general act of the legislature applicable to such commission.

To the extent that additional powers to license and regulate racing are authorized for a commission by any election held pursuant to subsection (b) of section 11-65-4, the certificate of the appropriate election officials confirming the results of such election that is required to be submitted to the secretary of state shall be filed with and shall constitute part of the permanent records pertaining to the corporate existence and powers of the commission, and such additional powers authorized by such election may be exercised by the commission without any requirement that the commission apply to the secretary of state for an amendment to its certificate of incorporation reflecting such additional powers or that a certificate of amendment be issued by the secretary of state."

Section 7. General Provisions Respecting Members of Commission. Section 11-65-7, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-7. General provisions respecting members of commission.

No member shall vote on or participate in the discussion or consideration of any matter coming before a commission in which he, his immediate family, or any business enterprise with which he is associated has any direct or indirect pecuniary interest; provided, however, that

when any such matter is brought before a commission, any member having an interest therein which may be in conflict with his obligations as a member shall immediately make a complete disclosure to such commission of any direct or indirect pecuniary interest he may have in such matter prior to removing himself and withdrawing from the commission's deliberations and vote on the matter presented. In furtherance, and not in limitation of the foregoing provision, no member or employee of a commission, and no spouse, child, parent, brother or sister of any such member or employee, (1) shall have any financial interest, direct or indirect, in any ~~horse racetrack racing facility, business or operation incidental thereto~~ horse racetrack racing facility, business or operation which is subject to the provisions of this chapter, or in any entity which has submitted an application for a license under this chapter, or in the operation of any wagering authorized under this chapter, (2) shall be an employee of any licensee or permit holder of the commission, or (23) shall participate as the owner of a any horse or greyhound participating in any race or otherwise be interested in the outcome of as a contestant in any race subject to the jurisdiction of a commission or have any pecuniary interest in the purse or prize contested for in any such race. No appointed member or officer of a commission (e.g., any member or officer of a commission who does not serve as such by reason of his holding another office), no employee of a commission, and no spouse, child, parent, brother or sister of any such appointed member or officer or of any such employee, shall make, or cause to be made on his or her behalf, any contribution to any holder of any office of the state or any office of the sponsoring municipality or the host county of such commission or any contribution to any candidate for any such office.

The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county shall perform the duties of a members of a commission, ex officio, without any compensation other than that to which they are respectively entitled as such municipal or county officers, and any member of a commission who is appointed by either of such officials pursuant to the provisions of section 11-65-5 and who is a member of the governing body of the sponsoring municipality or the host county shall likewise perform his or her duties as such member without any compensation other than that to which he or she is entitled as a member of such municipal or county governing body. Except as otherwise provided in the preceding sentence and to the extent not in conflict with section 280 of the Constitution of Alabama, Appointed members of a commission, including deputy members appointed pursuant to subsection (c) of section 11-65-5, shall be entitled to such compensation for their services as the commission shall from time to time provide by duly adopted resolution, provided that no appointed member or deputy member of a commission shall receive

more than \$100.00 for each day or part thereof spent in the performance of his duties. Each member, whether appointed or serving ex officio, shall be reimbursed for his or her reasonable expenses incurred in the performance of his or her duties as a member of a commission. The compensation and expenses of members and deputy members shall be paid out of the funds of a commission in accordance with such rules as shall be from time to time adopted by such commission.

A majority of the members (including any member represented by a deputy member) of a commission shall constitute a quorum for the transaction of business by such commission, and, in the absence of a rule incorporated in the bylaws of a commission that, in certain circumstances, may require the favorable vote of a designated percentage of all the members of a commission, decisions shall be made on the basis of a majority of the quorum then present and voting, with each member to have a single vote. No vacancy in the membership of a commission or the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum to exercise all of the powers and duties of the commission."

Section 8. Officers of Commission. Section 11-65-8, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-8. Officers of commission.

The officers of a commission shall consist of a chairman, vice-chairman, executive secretary, treasurer and such other officers as the commission shall deem necessary or appropriate. The chairman and vice-chairman of a commission shall be elected by the commission from the membership thereof. The executive secretary shall be appointed as provided in section 11-65-10 hereof. The A commission may appoint the principal financial officer of the sponsoring municipality of — a commission shall serve ex officio as the treasurer of such commission or it may appoint its executive secretary as treasurer and combine the duties of the two offices, or it may appoint and employ a treasurer as provided in section 11-65-10."

Section 9. Treasurer of Commission. Section 11-65-9, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-9. Treasurer of commission; investment of funds of commission.

The treasurer of a commission shall collect all the fees, commissions and other moneys provided for in this chapter, and shall supervise, check and audit the operation of the pari-mutuel wagering

pools and the conduct and distribution thereof. ~~The~~ A commission may appoint the principal financial officer of a the sponsoring municipality as the treasurer, in which case such officer shall perform the duties of the treasurer of a commission, ex officio, without any compensation other than that to which he or she is entitled as the principal financial officer of such sponsoring municipality, but he or she shall be reimbursed for expenses actually incurred in the performance of his or her duties as treasurer of a commission. The treasurer of a commission shall, with the approval of the commission, determine the All managerial, accounting and clerical personnel which the principal financial officer of a sponsoring municipality shall determine to be that are necessary to keep the books and records of a such commission created for such sponsoring municipality and to perform the audit and other financial functions for such commission authorized or contemplated by this chapter. If the commission appoints the principal financial officer of the sponsoring municipality as the treasurer of the commission, such managerial, accounting and clerical personnel may, as and to the extent approved by the commission, shall be employees of such sponsoring municipality and shall perform their duties with respect to the commission under the supervision of such principal financial officer in his capacity as ex officio treasurer of such the commission; ~~provided, however, that~~ The number, qualifications and compensation of personnel employed by such the sponsoring municipality to perform all financial functions for such a commission shall be subject to the approval of such commission, as well as to such other laws and regulations as may be applicable to such personnel as employees of such sponsoring municipality. Each A commission shall reimburse the sponsoring municipality for all the costs and expenses incurred in the performance of all any financial functions for such commission, including a reasonable allowance for the time of the principal financial officer of such sponsoring municipality devoted to the business of such commission as its ex officio treasurer.

The funds of a commission which it its treasurer determines are not then needed to discharge its obligations or to make the disbursements provided for in sections 11-65-34 and 11-65-36 hereof may be invested in such of the following investments as its treasurer, acting at the direction of or with the approval of the commission, may determine to be most advantageous or convenient:

(1) Any time deposit with, or any certificate of deposit issued by, or any acceptance by, any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured, in whole or in part, by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation;

(2) Any direct, general obligation of the United States of America;

(3) Any obligation payment of the principal of and interest on which is unconditionally guaranteed by the United States of America;

(4) Any direct, general obligation of, or any obligation payment of the principal of and interest on which is unconditionally guaranteed by, any agency or instrumentality of the United States of America (including, without limitation, the Federal National Mortgage Association); and

(5) Any repurchase agreement or reverse repurchase agreement with any bank which is a member of the Federal Deposit Insurance Corporation (or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation) or with any government bond dealer reporting to and trading with the Federal Reserve Bank of New York, provided that such agreement is secured by obligations or securities described in clauses (1), (2), (3) and (4) of this sentence.

Funds of a commission not invested in accordance with the preceding sentence shall be deposited in a bank the principal office of which shall be located in the sponsoring municipality and the deposits of which shall be insured, in whole or in part, by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation."

Section 10. Powers and Duties of Commission. Section 11-65-10, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-10. Powers and duties of commission.

A. When authorized by one or more elections as provided in section 11-65-4, a commission shall have the powers and duties necessary to license, regulate and supervise horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon within the commission municipal jurisdiction, betting incidental thereto, including, without limiting the generality of the foregoing, the powers and duties hereinafter set forth in this section or in other sections of this chapter.

(1) A commission shall have succession in perpetuity, subject only to the provisions of this chapter as it may be amended from time to time.

(2) A commission shall have the power to sue and be sued in its own name in civil suits and actions and to defend suits against it.

(3) A commission shall have the power to adopt and make use of an official seal and to alter the same at pleasure.

(4) A commission shall have the power to adopt, alter and repeal bylaws, regulations and rules, not inconsistent with the provisions of this chapter, for the regulation and conduct of its affairs and business.

(5) A commission shall have the power to make, execute and perform such contracts, agreements and other instruments and to take such other actions as may be necessary or convenient to accomplish its purposes and perform its duties under the provisions of this chapter, including, without limiting the generality of the foregoing, the power to enter into a contract, on such terms as it shall deem desirable, to grant a license to own, or to have the use of, a horse racing facility, a license to conduct horse racing and pari-mutuel wagering thereon, a license to conduct greyhound racing and pari-mutuel wagering thereon, or any other license or permit to a person meeting the qualifications prescribed by this chapter for such license or permit. Any contract of a commission shall be valid and enforceable with respect to any action which may at any time be authorized by law, even if the authority to perform such action was authorized by a law enacted after the making of such contract.

(6)~~(5)~~ A commission shall have the power

a. to borrow money from any source, including the sponsoring municipality (which is hereby authorized to lend such money to its related commission), for the purpose of paying expenses that may be reasonably incurred in carrying out its duties in advance of the receipt of fees, commissions and other moneys payable to it under the provisions of this chapter and

b. to pledge as security for the payment of the principal of and interest on the money so borrowed all or any of such fees, commissions and other moneys, which pledge shall be prior to any and all claims to such fees, commissions and other moneys from any intended recipients of breeding fund fees pursuant to section 11-65-34 hereof or from any intended recipients of the net commission revenues pursuant to section 11-65-36 hereof; provided, however, that no commission shall be entitled, pursuant to this subdivision, to borrow, or to allow to remain outstanding at any time, a principal amount in excess of (i) \$500,000.00 or (ii) the amount which the commission estimates will be its total operating expenses for the next three years, whichever of such amounts is the lesser.

(7)~~(6)~~ A commission shall establish and maintain a general



business office within ~~its sponsoring municipality~~ the commission municipal jurisdiction for the transaction of its business at a place to be determined by such commission. A commission shall meet at such times and places within its sponsoring municipality as it shall determine.

~~(8)(7) Each~~ A commission shall be vested with supervision and authority over all ~~horse races licensed by it~~ racing and pari-mutuel wagering thereon and all greyhound racing and pari-mutuel wagering thereon that it shall license under the provisions of this chapter and over all persons conducting, participating in or attending such races licensed activities. A commission shall employ such persons to be present at all occasions when licensed activities are conducted and to exercise such duties of surveillance and control as shall be ~~race meetings as are~~ necessary to ensure that they are conducted with order and the highest degree of integrity, ~~and it may require that an operator pay such salaries to such of the commission's employees as it shall prescribe.~~ A commission may eject or exclude from any racing facility where licensed activities are being conducted, ~~racetrack~~ or from any part thereof, any person, whether or not ~~he possesses~~ possessing a permit from the commission, whose conduct or reputation is such that his or her presence may, in the reasonable opinion of the commission or its agents, pose a threat to, interfere with or reflect adversely upon, ~~on the order and honesty and integrity of such licensed activities.~~ By the act of giving any operator a license to conduct activities regulated under this chapter, a commission shall be deemed to have authorized and directed the operator to maintain and enforce, subject to compliance with the rules and regulations of the commission, the same degree of order and integrity which it is the right and duty of the commission to maintain and enforce, including the same right as that of the commission to eject or exclude from the racing facility covered by such license, or from any part thereof, any person, whether or not possessing a permit from the commission, whose conduct or reputation is such that his or her presence may, in the reasonable opinion of the operator or its agents, pose a threat to, interfere with or reflect adversely upon, the order and integrity of the licensed activities conducted by the operator; provided, however, that the commission shall have no liability for any actions taken by an operator or its agents with respect to maintaining and enforcing the order and integrity of the licensed activities conducted by such operator. ~~horse racing or interfere with the orderly conduct of horse racing.~~

(9) From the fees, commissions, fines and other moneys available for the payment of a commission's expenses, the commission shall pay all salaries and other employment expenses of its employees and agents, in whatever capacity or for whatever purpose employed, and whether employed in connection with the regulation and conduct of horse racing,

greyhound racing or pari-mutuel wagering, and the commission shall not have the right, whether attempted to be implemented by regulation, order or contract, to require a licensed operator under its jurisdiction to pay, or to reimburse the commission for the payment of, any of the salaries or other employment expenses of the commission's employees and agents; provided, however, that the requirements and limitations of this subdivision (9) shall not be interpreted to diminish the authority of the commission to require any licensed operator to employ, at the expense of the operator, such qualified personnel (the selection and determination of the qualifications of such personnel to be mutually acceptable to the operator and the commission) as shall be reasonably necessary to ensure that all licensed activities conducted by the operator are conducted with order, security and the highest degree of integrity in accordance with the provisions of this chapter and the rules and regulations of the commission.

(10)(8) A commission shall have the power to compel a horse racing facility licensee or an operator to file with the commission such periodic reports, in form and content prescribed by duly adopted rules and regulations of the commission, as shall be reasonably necessary for the enforcement of the provisions of this chapter and the performance of the commission's duties. A commission and its representatives and employees shall visit, investigate and have free access to the office, track, facilities or other place of business of an operator, and may compel the production of any of an operator's books, documents, or records or memoranda for the purpose of satisfying itself to the extent that such materials are relevant to a determination that such operator is truthfully faithfully complying with the provisions of this chapter and the commission's rules and regulations. A commission shall require that there be delivered to it an annual balance sheet and income statement of each operator subject to its jurisdiction and also a copy of any management, concession or other contract to which any such operator is a party. By duly adopted rules and regulations or by specific order entered after appropriate hearings and findings, a commission may require that it be provided the following information or materials:

a. An operator shall provide financial reports, verified by the sworn statement of the operator's chief executive officer or chief financial officer, for such periods as the commission may require showing

(i) the horse racing handle and the commission horse wagering fee for such period,

(ii) the payments, by appropriate categories of wagers, to winning participants in pari-mutuel pools for horse racing during such period,

including accounting for unclaimed, uncashed or abandoned pari-mutuel tickets,

(iii) the purses paid for horse racing during such period,

(iv) the breeding fund fee payable for such period,

(v) the greyhound racing handle and the commission greyhound wagering fee for such period,

(vi) the payments, by appropriate categories of wagers, to winning participants in pari-mutuel pools for greyhound racing during such period, including accounting for unclaimed, uncashed or abandoned pari-mutuel tickets,

(vii) the proceeds of the admission tax levied pursuant to section 11-65-33 and remitted to the sponsoring municipality, and

(viii) such other information concerning the revenues and disbursements of the operator as shall be necessary to verify compliance with the provisions of this chapter concerning horse racing, greyhound racing and pari-mutuel wagering thereon; provided that the operator shall file with the commission, not less than 90 days after the end of each calendar year, a financial report covering the foregoing information for such year which shall be audited and certified by an independent accounting firm selected by the operator and approved by the commission. Neither a horse racing facility licensee nor an operator shall be required to furnish the commission complete financial statements that disclose the net worth of such licensee or operator, its net income for any period or other confidential information, unless for good cause it can be shown that such information is necessary to enforce compliance with the provisions of this chapter. Any financial information disclosing the net worth or net income of a horse racing facility licensee or an operator, or making it possible to compute the same, which comes into the possession of a commission shall not be public information and shall be protected against public disclosure to the same extent that the state income tax returns of any taxpayer are protected against public disclosure by the provisions of section 40-18-52.

b. In order to enable the commission to monitor and enforce the provisions of this chapter prohibiting the ownership by any disqualified person of an interest in any horse racing facility licensee or an operator, the commission may require such licensee or operator (i) to provide a list of all persons owning any interest therein and identifying those who own more than five percent of the total ownership interest and those, if any, who own more than fifty percent of such ownership interest and (ii)

to update such list with changes in ownership at reasonable intervals to be determined by the commission, taking into account whether such ownership interests are publicly owned and traded or whether they are closely held; provided, however, that neither a horse racing facility licensee nor an operator shall be required to disclose the exact percentage of ownership interest in such licensee or operator held by any person to any extent other than that such interest is five percent or less, more than five percent but less than or equal to fifty percent, or greater than fifty percent.

c. The names and address of all persons from which an operator shall obtain goods and services of any kind having an aggregate value of more than \$10,000 in any single calendar year, together with copies of all written contracts that involve more than a single transaction or the delivery of goods or the performance of services over a period of time.

In any case where a horse racing facility licensee or an operator, pursuant to demand or order of the commission, shall file with the commission, whether voluntarily or under protest, information that such licensee or operator asserts is confidential in a written statement submitted to the commission with such information, then, in such case, if such information is not expressly required to be furnished as public information to the commission by any provision of this chapter, the commission shall protect such information against public disclosure to the same extent that the state income tax returns of any taxpayer are protected against public disclosure by the provisions of section 40-18-52. In no event shall the commission make or allow public disclosure of any information asserted to be confidential by a horse racing facility licensee or an operator, unless such public disclosure shall be ordered by the circuit court of the host county after a hearing in which such licensee or operator shall have had the opportunity to present reasons why it is entitled to a protective order prohibiting or limiting such public disclosure. Nothing contained in this chapter shall be construed to deny access to any information which would otherwise be available to the attorney general, the district attorney or any other law enforcement official in connection with a criminal investigation or prosecution.

(11) Any contract proposed to be entered into by an operator that involves consideration having an aggregate value of \$10,000 or more and that involves more than a single transaction or the delivery of goods or the performance of services over a period of time shall be submitted to the commission before the execution thereof by the operator or within five business days after such execution and shall be subject to the approval of the commission licensing such operator before such contract shall have permanent effect. In approving any contract the commission shall not inquire into or make any judgment regarding the commercial

terms of such contract, and its power to disapprove a contract shall be limited to those cases in which it determines that a party to the contract is a disqualified person. Any contract not approved within 30 days of its submission to the commission shall be deemed approved, unless prior to the expiration of such thirty-day period the commission shall adopt a resolution stating that it disapproves the contract because it has reasonable cause for believing that a party to the contract is a disqualified person. A certified copy of such resolution shall be promptly furnished to the operator and to the contracting party whom the commission believes to be a disqualified person, whereupon either the operator or such contracting party, or both, shall have the option of terminating the contract or appealing the action of the commission to the circuit court pursuant to section 11-65-12. In the event that the disapproval of any contract by the commission is not ultimately set aside by the circuit court pursuant to an appeal, the contract shall be valid and lawful for that portion thereof which is performed during the cumulative period, not exceeding 60 days, allowed for the commission's review and disapproval and the operator's appeal of the commission's action.

~~(12)(9)~~ A commission shall adopt and publish reasonable rules, regulations and conditions under which all types of racing subject to its jurisdiction, and pari-mutuel wagering, thereon shall be conducted in the sponsoring municipality, and such other reasonable regulations as it deems necessary and appropriate to carry out the purposes and provisions of this chapter; provided, however, that no commission shall promulgate rules and regulations which require the disclosure of confidential information concerning the financial affairs and ownership of a horse racing facility licensee or an operator that is not required to be disclosed by the express provisions of this chapter. Such rules and regulations may include reasonable penalties for violations which shall be in the nature of civil and not criminal penalties.

~~(13)(10)~~ A commission may issue subpoenas for the attendance of witnesses before it, administer oaths and compel production of records or other documents and testimony of such witnesses whenever such commission finds it necessary and appropriate so to do in order to carry out its duties under this chapter or to enforce the provisions of this chapter or rules or regulations adopted pursuant hereto.

~~(11) A commission shall have the power to compel an owner or operator to file with such commission such information, including, without limitation, financial statements and information relative to stockholders and all others with any pecuniary interest in such licensee as shall appear to such commission to be necessary for the performance of its duties hereunder, and may prescribe the manner in which books and records of an owner or operator shall be kept.~~

(14)(12) A commission shall be the primary, but not exclusive, law enforcement agency to enforce the provisions of this chapter, shall investigate all violations of the provisions of this chapter coming to its attention, shall report its investigative findings of all criminal violations of the provisions of this chapter to the district attorney of the host county or to the attorney general of the state when appropriate, and shall have the power to enter into arrangements with any governmental or nongovernmental agency or association for the purposes of exchanging information, establishing security forces or performing or facilitating any other act better action to ensure the proper conduct of horse racing licensed activities under this chapter. The commission shall have the power and duty to maintain the confidentiality of information obtained in its own investigations or received from other law enforcement agencies, all to the extent required by law or agreement with such agencies or as may be deemed necessary or desirable by the commission.

(15)(13) A commission shall have the power to demand and obtain for its files the fingerprints of the following persons, which fingerprints may be taken by a representative of a law-enforcement agency of the county, state or federal government, by inspectors of such commission or by such qualified private security agency as such commission may designate:

a. All members, officers and employees of such commission;

b. Every person who is an officer, director, partner or other principal of a corporation, partnership or other entity which holds a license from the commission ~~as an owner or operator~~, and every employee of such a licensee whose duties relate to the horse racing businesses of horse racing or greyhound racing in the sponsoring municipality;

c. All owners of horses, owners of greyhounds, trainers, jockeys, apprentices, stable or kennel employees, managers, agents, blacksmiths, veterinarians and other persons who actively participate in the racing activities of any operator; and

d. All other persons whose relationship to horse racing or greyhound racing or and wagering activities under the jurisdiction of such the commission is of such nature that ~~such the~~ commission, in the exercise of reasonable judgment, believes that it would be prudent to obtain the fingerprints of such persons.

(16)(14) A commission shall report annually to the governing body of its sponsoring municipality and to such state and federal authorities as shall be required by law.

~~(17)(15)~~ Except as otherwise provided in subdivisions (10) and (12) of this section 11-65-10, all books, records, maps, documents and papers of a commission, including those filed with such commission as well as those prepared by or for it, shall at all times be open for the personal inspection of any officer of the state, the sponsoring municipality or the host county or any official investigative body or committee of any thereof, and no person having charge or custody thereof shall refuse this right to any officer or investigative body or committee, and it shall be the express duty of such person to assist such officer or committee in locating records or information. If any member of a commission violates the provisions of this subdivision, he or she shall be subject to removal from office.

~~(18)(16)~~ Subject to the provisions of section 11-65-11, a commission shall appoint an executive secretary, a treasurer (subject, in the case of the treasurer, to the provisions of section 11-65-9) and such other employees as it deems essential to perform its duties under this chapter. Such employees shall possess such authority and perform such duties as the commission shall prescribe or delegate to them. Such employees may include stewards for horse racing, judges for greyhound racing, chemists, veterinarians, inspectors, accountants, guards and such other employees deemed by the commission to be necessary for the supervision and the proper conducting of horse racing and greyhound racing in accordance with the highest standards of horse racing. Such employees shall be compensated as provided by the commission.

~~(19)(17)~~ The executive secretary of a commission, in addition to any other duties prescribed by such commission, shall keep a true and full record of all proceedings of such commission and shall and preserve at such the commission's general office all books, documents and papers of such the commission, and shall cause such record of all such proceedings to be published, at such commission's expense, in a newspaper of general circulation in the sponsoring municipality, excluding legal publications, within 10 days after the date of any such proceeding.

~~(20)(18)~~ A commission shall have the authority to employ legal counsel of its choice to advise such the commission and represent it in all proceedings. The compensation of such counsel shall be paid out of the funds of such the commission.

~~(21)(19)~~ A commission shall have the power to use its funds for the purpose of promoting tourism and horse racing in the sponsoring municipality and attendance at a licensed racing facility. A commission shall have the authority (i) to expend funds to promote tourism and attendance at horse racing and greyhound racing events under its juris-

diction and (ii) to appropriate, pledge and pay funds to the sponsoring municipality or the host county, in a single year or for a term of years, for the reimbursement of costs at any time incurred by the sponsoring municipality or the host county (including an allowance for interest on such costs at the rate of eight percent per annum from the date such costs were incurred to the date of reimbursement) in providing roads, bridges, lighting, drainage, water mains, sewers and other public improvements that, in whole or in part, serve racing facilities under the commission's jurisdiction or, alternatively, the reimbursement of installments of principal and interest on debt at any time incurred by the sponsoring municipality or the host county to pay the costs of such improvements. As a condition to any agreement or undertaking by a commission to make any appropriation, pledge or payment pursuant to clause (ii) of the preceding sentence, the governing body of the sponsoring municipality or the host county, as the case may be, shall adopt a resolution addressed to such commission requesting the reimbursement of the costs of specified improvements or the reimbursement of debt service on debt incurred to pay the costs of specified improvements, and such resolution shall be submitted to such commission together with a verified statement of the mayor of the sponsoring municipality or the president of the county commission of the host county, as the case may be, showing the costs of the improvements, the dates on which such costs were respectively incurred, and, if reimbursement for debt service is requested, the principal amount of debt in question and the date it was incurred, the principal maturities of such debt, the rate or rates of interest borne by such debt, and any agreements providing for the payment of any portion of such costs or debt service by any other entities, whether public or private. A commission shall determine, in the exercise of its discretion, whether to comply with any such request for reimbursement, in whole or in part, and subject to compliance with the conditions of this subdivision (21), such commission shall have all necessary authority to enter into such agreements as shall be necessary to assure the performance of such reimbursement obligations as it agrees to undertake. If a private entity has a valid and enforceable obligation to pay any portion of such costs or debt service, a commission shall not reimburse the sponsoring municipality or the host county, as the case may be, for the portion of such costs or debt service for which such private entity shall be obligated, and if a public entity has a valid and enforceable obligation to pay any portion of such costs or debt service, a commission shall make such arrangements as shall assure that any reimbursement to, or for the account of, the sponsoring municipality or the host county for any portion of such costs or debt service paid by such public entity shall be remitted to such public entity in order to avoid duplicate reimbursement of the same amount to the sponsoring municipality or the host county. All expenditures, appropriations and payments made by a commission pursuant to this subdivision (21) shall



be deemed to be expenses incurred by such commission in the administration and performance of its duties under this chapter and shall be deducted as a prior charge before determining the net commission revenues of such commission; provided, however, that the total amount of all expenditures, appropriations and payments made by a commission pursuant to this subdivision (21) during any calendar year shall not exceed 25 percent of the aggregate amount of commission horse wagering fees and commission greyhound wagering fees received by such commission during that calendar year.

~~(22)~~~~(20)~~ A commission shall have an independent accounting firm, which is approved by a majority of the members of the commission, and the chief examiner of public accounts of the state, prepare ~~an~~ annual certified financial reports ~~statement~~, as of the close of each fiscal year, detailing all income, expenses and disbursements of whatsoever nature without limitation and including all expenditures and disbursements made pursuant to sections 11-65-7, 11-65-9, 11-65-34 and 11-65-36. Each ~~Such~~ report shall be a public record and ~~open~~ shall be available during normal business hours ~~to~~ for examination and copying by the public. Copies of any such report shall be made available upon request at a cost not exceeding the cost of reproducing such report. Such commission is authorized to charge rates not to exceed costs for copying."

Section 11. Review of Commission Action. Section 11-65-12, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-12. Review of commission action.

Any person aggrieved by ~~a~~ the refusal of a commission to issue any license or permit, or the suspension or revocation of a license or permit, the imposition of a fine, the disapproval of a contract, or any other action or failure of action by ~~of~~ the commission, may, within ~~30~~ 60 days of such action or failure of action, appeal to the circuit court of the host county. If such court finds that the action of such commission, or its failure to take action, was arbitrary, unreasonable or contrary to the provisions of this chapter, it shall order the issuance or reinstatement of such license or permit, the abatement of such fine, the approval of such contract, or such other remedial action as it deems appropriate in the circumstances. The decision of such court shall be subject to appeal as in other cases at law."

Section 12. Commission Licenses Required for Certain Activities; Conditions Relating to Award and Use of Licenses. Section 11-65-14, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-14. Commission Licenses required for certain activities owners and operators of horse racetracks; conditions relating to award and use of licenses.

(a) No person shall construct or establish a horse racetrack or racing facility where horse races ~~race meetings~~ are to be held and pari-mutuel wagering permitted, or own, lease, or otherwise have the use and enjoyment of, any such racetrack or racing facilities in the commission municipal jurisdiction ~~sponsoring municipality~~, unless such person ~~he~~ has obtained an ~~owner's~~ a horse racing facility license issued by a commission in accordance with the provisions of this chapter, which license, when granted or transferred to the holder thereof, shall authorize the such holder thereof to construct, establish, and own, lease, or otherwise have the use and enjoyment of, in the sponsoring municipality a horse racetrack or racing facility in the commission municipal jurisdiction where horse races ~~race meetings~~ are can be lawfully held and pari-mutuel wagering thereon permitted, all subject to and in compliance with the provisions of this chapter.

(b) No person shall conduct any pari-mutuel wagering on horse races, ~~operate pari-mutuel wagering~~ or conduct any ~~race meeting~~ horse races at which wagering of any kind is permitted with such person's his knowledge or acquiescence, in the ~~sponsoring municipality~~ commission municipal jurisdiction unless such person ~~he~~ has obtained an operator's license to conduct horse racing and pari-mutuel wagering thereon under the provisions of this chapter, which license, when granted or transferred to the holder thereof, shall authorize the such holder thereof to conduct horse racing and ~~operate~~ pari-mutuel wagering thereon or ~~conduct a race meeting at which pari-mutuel wagering is permitted~~ in the commission municipal jurisdiction ~~sponsoring municipality~~ at the racing facility covered by such license, all subject to and in compliance with the provisions of this chapter. No horse racing operator licensed by a commission shall be required to obtain a horse racing facility license or any other license from the commission with respect to the ownership or use of any racing facility in order to conduct horse racing and pari-mutuel wagering thereon at the facility covered by such operator's license.

(c) No person shall conduct any pari-mutuel wagering on greyhound races or any other kind of dog races, or conduct any dog races at which wagering of any kind is permitted with such person's knowledge or acquiescence, in the commission municipal jurisdiction unless such person has obtained an operator's license to conduct greyhound racing and pari-mutuel wagering thereon under the provisions of this chapter, which license, when granted or transferred to the holder thereof, shall authorize such holder to conduct greyhound racing and pari-mutuel

wagering thereon in the commission municipal jurisdiction at the racing facility covered by such license, all subject to and in compliance with the provisions of this chapter. No greyhound racing operator licensed by a commission shall be required to obtain a horse racing facility license or any other license from the commission with respect to the ownership or use of any racing facility in order to conduct greyhound racing and pari-mutuel wagering thereon at the facility covered by such operator's license.

(d) As licensed and regulated by a commission under the provisions of this chapter, horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon shall be separate activities which, subject to the rules, regulations and orders of the commission, may be conducted at the same racing facility. A commission shall permit an operator holding both a license for horse racing and a license for greyhound racing to schedule both kinds of racing at different times on the same racing day or to schedule only one kind of racing on any given racing day, as in the judgment of such operator may be most economically advantageous. A commission may not require a greyhound racing operator to conduct horse racing to any extent as a condition of maintaining its license for greyhound racing and pari-mutuel wagering thereon in good standing or, alternatively, require a horse racing operator to conduct greyhound racing to any extent as a condition of maintaining its license for horse racing and pari-mutuel wagering thereon in good standing.

(e) No license issued under the provisions of this chapter shall be transferable without the approval of the commission which issued such license. The commission's review of any proposed transfer of a license and its approval or disapproval thereof shall be subject to rules and regulations adopted by the commission, but approval for the transfer of any license shall not be unreasonably withheld. No transfer of any license shall be approved by the commission unless the proposed transferee of such license satisfies all qualifications and requirements that would be applicable to the original recipient of such license under this chapter. such approval to be given or withheld under rules and regulations adopted by such commission."

(f) When presented with the opportunity of issuing or transferring any license under the provisions of this chapter, whether a horse racing facility license, an operator's license for horse racing and pari-mutuel wagering thereon or an operator's license for greyhound racing and pari-mutuel wagering thereon, a commission, in the exercise of its judgment and discretion, may determine the conditions under which applicants shall be allowed or induced to apply for such license, which conditions may involve, without limitation, (i) a public and open competition in

which all interested persons shall be encouraged and permitted to submit applications or (ii) a controlled selection process in which only one applicant having particular qualifications will be evaluated by the commission and given an exclusive right to apply for and be awarded such license, subject to such applicant's fulfillment of all qualifications and conditions required by the provisions of this chapter for the award of such license. The legislature expressly authorizes a commission, both retroactively and prospectively, to grant, and to contract to grant and transfer, licenses on an exclusive basis to a single prospective licensee, without allowing competition from other persons who might be interested in such licenses, in circumstances where the racing activities under the jurisdiction of the commission have been disrupted by severe and protracted financial and managerial difficulties of the commission's prior licensees and there is a need to grant or transfer licenses to one or more persons having particular qualifications in order to implement a plan to put such racing activities on a new financial basis with new management, including, without limitation, a plan for reorganization under the bankruptcy laws of the United States. The legislature hereby expressly authorizes, ratifies and confirms the right and authority of a commission to enter into a valid and enforceable contract to grant to a prospective licensee a license to operate greyhound racing and pari-mutuel wagering thereon, and to protect such license from the future issuance of competing licenses for both horse racing and greyhound racing, without considering other applicants for such license, in furtherance of a plan of reorganization which depends upon the projected financial benefits of greyhound racing and pari-mutuel wagering thereon under the management of such prospective licensee, even though the commission entered into such contract prior to (i) the enactment of amendments to this chapter which, subject to compliance with the election requirements of § 11-65-4, authorize the commission to license and regulate greyhound racing and pari-mutuel wagering thereon and (ii) the approval of the commission's authority to license and regulate greyhound racing and pari-mutuel wagering thereon by the voters of the host county and the commission municipal jurisdiction in an election held pursuant to subsection (b) of section 11-65-4. Such contract shall be valid from the date of its execution and delivery, but the obligation thereunder of the commission to grant a license for greyhound racing and pari-mutuel wagering thereon shall not be enforceable until the voters of the host county and the commission municipal jurisdiction shall have authorized the commission to license and regulate greyhound racing and pari-mutuel wagering thereon in an election held pursuant to subsection (b) of section 11-65-4. Nothing contained in this subsection (f) with respect to the retroactive validation of a commission's contract to issue a license for greyhound racing and pari-mutuel wagering thereon shall be construed to limit the right and duty of the commission to deny the award of the license pursuant to such contract if the commission reason-

ably and in good faith determines that the prospective licensee does not meet the qualifications established by this chapter for the award of the license."

Section 13. Application for Horse Racing Facility License.  
Section 11-65-15, Code of Alabama 1975, is hereby amended to read as follows:

"11-65-15. Application for horse racing facility ~~racetrack owner's~~ license.

Any person desiring to ~~construct or own a racetrack at which pari-mutuel wagering is permitted~~ obtain a horse racing facility license through issuance thereof by a commission, or through transfer of an outstanding license, shall file with the appropriate commission an application for such ~~an owner's~~ license. Such application shall be filed at the time and place prescribed by such commission and shall be in such form and contain such information as may be prescribed by such commission, including the following:

(1) The name and address of such person; if a corporation, the state of its incorporation and the full name and address of each officer and director thereof; if a foreign corporation, whether it is qualified to do business in the state; and if a partnership or joint venture, the name and address of each general partner thereof;

(2) The name, and every address for the period of five years immediately preceding the date of such application, of each stockholder or member of such corporation, or each general partner of such partnership or joint venture, and of each person who has contracted for a ~~pecuniary~~ financial interest in the applicant or the horse racing facility to be licensed, ~~facilities at which such race meeting or pari-mutuel wagering will be conducted~~, whether such interest will be an ownership or a security interest, and the nature and value of such interest, and the name and address of each person who has agreed to lend money to the applicant; provided that if the applicant proposes to arrange further financing, subsequent to the award of ~~and owner's a horse racing facility~~ license, through a sale of stock, partnership interests or other equity interests, the issuance of debt securities, the entering into of financing leases or otherwise borrowing money, then, in such case, such commission may grant a horse racing facility ~~an owner's~~ license which sets forth conditions to be met in arranging such further financing or which reserves to such commission the right to approve any or all aspects of such further financing;

(3) Such information as ~~such~~ the commission deems appropriate

regarding the character and responsibility of the applicant and the members, partners, stockholders, officers and directors of the applicant;

(4) With respect to any racing facility that is not at the time subject to a horse racing facility license, the location and description of the racetrack, place or enclosure horse racing facility for which the where such applicant proposes to obtain a license; hold race meetings; provided that such the commission may require such information about the facilities such facility and the location thereof, of the track, including preliminary architectural plans, as it deems necessary and appropriate to determine whether such facility is suitable and they comply with the minimum standards established by the commission pursuant to provided in this chapter, and whether the conduct of horse racing and pari-mutuel wagering thereon race meetings at such location would be in the best interests of the people of the state;

(5) Such information relating to the financial responsibility of the applicant as such the commission deems appropriate;

(6) If the horse racing facility to be licensed, or any part thereof, is to be leased or the use thereof to be made available to any person other than the applicant under a contract or other legal arrangement, any of the facilities necessary for the conduct of racing or pari-mutuel wagering are to be leased, the terms of such lease, contract or other legal arrangement; and

(7) Any other information which such the commission in its discretion deems appropriate.

Anything contained in this section 11-65-15 to the contrary notwithstanding, an applicant shall not be required to disclose, in connection with an application for a horse racing facility license, any confidential financial information, or any information concerning the exact percentage of ownership interest in such applicant held by various persons, that it would be entitled, as a licensee of the commission, to keep confidential under the provisions of subdivision (10) of section 11-65-10, and to the extent that any such information is furnished to the commission by such applicant, or otherwise comes into the possession of the commission, it shall be kept confidential and shall be protected from public disclosure to the same extent as confidential information concerning a licensee is required to be protected from public disclosure pursuant to said subdivision (10).

Any application for the issuance or transfer of a horse racing facility license filed hereunder shall be verified by the oath or affirmation of an officer of the applicant, and shall be accompanied by a nonrefundable fee of \$15,000.00; provided, however, that the nonrefundable fee for submitting an application for the issuance or

transfer of a horse racing facility license shall be reduced to \$5,000.00 in those cases where the applicant is the holder of an operator's license to conduct horse racing and pari-mutuel wagering thereon at the racing facility or, simultaneously with the submission of such application, the applicant submits an application for the issuance or transfer of such an operator's license."

Section 14. Review of Application for Horse Racing Facility License. Section 11-65-16, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-16. Review of application for horse racing facility ~~owner's~~ license.

(a) A commission shall promptly consider any application for the issuance or transfer of an owner's a horse racing facility license submitted to it and shall grant or deny the issuance or transfer of such license based on all information before it, including the results of investigations it deems appropriate. A commission shall deny a the issuance of an original horse racing facility license to any applicant unless it finds that the applicant's facilities will meet the following minimum standards:

(1) That the facilities will provide a track racing surface of at least one mile;

(2) That the facilities will be appropriate for the conduct of horse racing year-round racing and at night racing; and

(3) That the facilities will be located within the ~~corporate limits of the sponsoring municipality~~ boundaries of the commission municipal jurisdiction or will be located on land in the host county and annexed thereto to the sponsoring municipality prior to the commencement of racing.

(b) A commission shall deny a the issuance or transfer of a horse racing facility license to any applicant unless it finds that at more than 50 percent of both the least 51 percent of the persons having a direct ownership interest and the voting interest in the applicant (and the applicant's general partner in the event the applicant is a limited partnership) is owned, directly or indirectly, by persons who have a substantial presence in the state. For purposes of this subsection (b), a person ~~has~~ shall be deemed to have a substantial presence in the state under any of the following circumstances:

(1) If a natural person, then such person has been domiciled in the state for at least 12 consecutive months prior to the date of the appli-

cation for a license;

(2) If a corporation, then such corporation is incorporated under Title 10, Code of Alabama 1975, or is incorporated under a comparable ~~law or~~ laws of another state and is licensed or qualified to do business in the state and, in addition, satisfies one of the following alternative sets of conditions:

a. such corporation has maintained its principal place of business, and has actively done business, in the state for at least 12 consecutive months prior to the date of application for a license, ~~since January 1, 1985,~~ as evidenced either by the employment of at least 100 employees in the state or by the employment of \$500,000.00 in assets held in the state during such period; or

b. more than 50 percent of both the ownership interest and the voting interest in such corporation is owned, directly or indirectly, by natural persons described in subdivision (b)(1) of this section, or by one or more corporations described in subdivision (b)(2) a of this section, or by any combination of such natural persons and corporations;

(3) If a limited partnership, then such limited partnership is formed or registered under Title 10, Code of Alabama 1975, and has maintained its principal place of business ~~in the state since January 1, 1985, or has maintained~~ and at least 50 percent of its assets in the state ~~since January 1, 1985,~~ for at least 12 consecutive months prior to the date of application for the license, and its general partner has maintained its principal place of business or residence in the state for at least 12 consecutive months prior to the date of such application; ~~since January 1, 1985;~~

(4) If a general partnership, then such partnership has maintained its principal place of business ~~in the state since January 1, 1985, or has maintained~~ and at least 50 percent of its assets in the state ~~since January 1, 1985~~ for at least 12 consecutive months prior to the date of application for the license;

(5) If a financial institution, then such financial institution is a ~~person, firm, corporation or any other legal entity whatsoever~~ doing business in the state as a bank, national banking association, ~~bank, state banking corporation, association,~~ trust company, industrial or other loan company, ~~or~~ building and loan association, or insurance company and has maintained its principal place of business in the state ~~since January 1, 1985~~ for at least 12 consecutive months prior to the date of application for the license;



(6) If a trust or custodianship, then at least 50 percent of the corpus of such trust or custodianship is situated in the state and the trustee or custodian of such property has a substantial presence in the state under any of the standards set forth in this subsection (b); or

(7) If an estate, then such estate is the estate of a person described in subdivision (b)(1), or at least 50 percent of the property of such estate consists of real estate located in the state or tangible personal property which has been located within the state since January 1, 1985 for at least 12 consecutive months prior to the date of application for the license.

(c) The provisions of this section which permit a horse racing facility an owner's license to be granted to an owner only if more than 50 percent of both the ownership interest and the voting interest in the licensee is owned, directly or indirectly, by at least 51 percent of the persons having a direct ownership interest in the applicant who have a substantial presence in the state shall not be construed (1) to impair the foreclosure rights of any mortgagee holding a mortgage on the racing facilities of such licensee owner securing debt incurred to finance the costs of constructing or purchasing such racing facilities or (2) to impair the rights of any mortgagee holding such a mortgage, or the rights of any other person, corporation or other legal entity to which such racing facilities may be sold in foreclosure, to take and hold title to such racing facilities, to lease or sell the same, and to apply for and receive a horse racing facility an owner's license therefor from the commission upon compliance with all other applicable provisions of this chapter, irrespective of whether the aforesaid condition of substantial presence in the state shall be satisfied by 51 percent of the persons owning, directly or indirectly, more than 50 percent of both the each having an ownership interest and the voting interest in such mortgagee or an ownership interest in any person a corporation or other legal entity to which such racing facilities shall be sold, as the case may be.

(d) A commission shall deny the issuance or transfer of a horse racing facility a license to an applicant if it finds that for any reason the issuance or transfer of a such license to such applicant would not be in the interests of the people of the sponsoring municipality, or that the applicant, or any officer, general partner or director of the applicant, (i) is a disqualified person, (ii) (1) Has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for in the application, or (iii) (2) or has been guilty of any corrupt or fraudulent act, practice or conduct in connection with any horse race meeting in the state or any other state; (3) Has had a license or permit to hold or conduct a horse race meeting denied for just cause, suspended or revoked in any other state or country; or (4) is

not qualified to do business in the state, or is not subject to the jurisdiction of the courts of the state."

Section 15. Terms of Horse Racing Facility License. Section 11-65-17, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-17. Terms of ~~owner's~~ horse racing facility license.

(a) A horse racing facility ~~An owner's~~ license issued under this chapter shall be for a period of 20 years, but shall be reviewed annually. A commission issuing such an owner's license shall state therein the person to whom such license is issued, the duration of such license, the location of the ~~proposed racetrack,~~ racetrack ~~thereby licensed to be used for horse racing,~~ and such other conditions of the license and related information as such the commission shall deem proper. ~~It shall be the policy of each commission to permit widespread ownership of stock or limited partnership interests in a corporation or partnership holding an owner's license and owning a racetrack facility.~~ A commission shall have no power to modify the terms of a horse racing facility license, once issued, without the prior written consent of the holder of such license. A horse racing facility license shall be revocable by the commission only if the holder thereof shall not be in compliance with the provisions of this chapter or the valid rules, regulations and orders of the commission and such noncompliance shall have continued for 60 days after written notice shall be given to such holder by the commission stating the circumstances of noncompliance and demanding corrective action.

(b) While any horse racing facility ~~owner's~~ license or licenses theretofore issued by a commission shall remain in effect, such commission shall not issue (1) any other horse racing facility ~~owner's~~ license with respect to the racetrack ~~racetrack~~ covered by the holder's ~~owner's~~ license or licenses already in effect, or (2) any other horse racing facility ~~owner's~~ license covering any other racetrack ~~racetrack~~ to be located in the sponsoring municipality ~~commission municipal jurisdiction~~ or (3) any license permitting the holder thereof to conduct horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon in the commission municipal jurisdiction or to own or operate any facility for horse racing or greyhound racing in the such jurisdiction, without, in ~~either any such case,~~ the duly authorized consent of the holder or holders of all horse racing facility ~~owner or owners holding all owner's~~ licenses already in effect, which consent shall be obtained in writing prior to the issuance of any such other ~~owner's~~ license.

(c) Any provisions of this chapter or any other law to the contrary

notwithstanding, a commission may, at the time of the issuance of a horse racing facility license ~~an owner's license to an owner~~ or at any time thereafter, enter into a contract with ~~such owner~~ the holder of such license establishing restrictive conditions under which such commission may license any racing facility, whether for horse racing or greyhound racing, ~~racetracks~~ that would compete with the racing facility racetrack covered by the license of such holder owner, which conditions may, in the discretion of ~~such~~ the commission, preclude the licensing of any competing racing facility racetracks while such holder's owner's license shall remain in effect. The provisions of any such contract between a commission and a horse racing facility licensee ~~an owner~~ shall be deemed to be a part of the terms and conditions of the ~~owner's~~ licensee license granted to such ~~owner~~ licensee. Without in any way limiting the nature of the consideration that might be given by a licensee ~~an owner~~ to make such contract binding, the obligations (including any future obligations) of any operator using the racing facility racetrack covered by such ~~owner's~~ license to pay the state horse wagering fee and the commission horse wagering fee, together with the economic benefits to be derived by the state and such commission and its sponsoring municipality from the establishment and continued operation of a racing facility racetrack, shall be deemed sufficient consideration to make such contract binding upon the ~~such~~ commission and any state racing commission. Any such contract between a commission and a horse racing facility licensee ~~an owner~~ shall be binding upon such commission and any state racing commission at any time exercising jurisdiction over such commission or such licensee ~~owner~~ and shall not be impaired by any subsequent action of such commission or such state racing commission or by any act of the legislature of Alabama which, through the authorization of another licensing entity or by any other means, would permit or encourage the establishment and operation of a competing racetrack racing facility in contravention of such contract.

(d) A commission may require a bond with surety acceptable to it in an amount ~~determined by it to be~~ sufficient to ~~cover the maximum~~ secure payment of any indebtedness anticipated to be incurred by the a horse racing facility licensee to such commission in any year, but such bond shall not for any reason be set by the commission at an amount greater than the amount of indebtedness to be secured thereby. ~~The amount of such bond may be adjusted from time to time as such commission may require.~~

~~Each commission may require the licensee to pay such commission a license fee of \$2,000.00 per month for a period beginning six months from the date of issuance of the owner's license to the date of the beginning of operation of the related racetrack. The license fee shall be used by the commission for operating expenses prior to the beginning of operation of the racetrack."~~

Section 16. Application for Operator's License. Section 11-65-18, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-18. Application for ~~racetrack~~ operator's license.

Depending upon the licensing authority granted a commission by elections held pursuant to subsection (a) or (b) of section 11-65-4, a commission shall be empowered to grant operator's licenses for horse racing and pari-mutuel wagering thereon or for greyhound racing and pari-mutuel wagering thereon. Any corporation, partnership or other business entity desiring to obtain (i) an operator's license to conduct horse racing and pari-mutuel wagering thereon at a racing facility located in the commission municipal jurisdiction or (ii) an operator's license to conduct greyhound racing and pari-mutuel wagering thereon at a racing facility located in the commission municipal jurisdiction, either through issuance of such license by a commission or transfer of an outstanding license, ~~hold race meetings at which pari-mutuel wagering is permitted~~ shall file with the appropriate commission an application for ~~an~~ operator's such license. Such application may, but need not, be made in conjunction with an application for ~~an owner's~~ a horse racing facility license. Operator's licenses shall separately authorize only the designated activity for which they were issued, but operator's licenses for both horse racing and greyhound racing may be granted to the same licensee. Applications for both kinds of licenses may be submitted by an applicant at the same time, and in such case the commission shall review and decide both applications together. ~~It~~ An application for an operator's license shall be filed at the time and place prescribed by the commission and shall be in such form and contain such information as may be prescribed by the commission, including ~~all information required for an owner's license under this chapter,~~ the following:

(1) A statement identifying the kind of license for which application is being made, whether for horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon, which statement may simply result from the use of the application form prescribed by the commission for the license in question.

(2) The name and address of the applicant; if a corporation, the state of its incorporation and the full name and address of each officer and director thereof; if a foreign corporation, whether it is qualified to do business in the state; and if a partnership or joint venture, the name and address of each general partner thereof;

(3) The name, and every address for the period of five years immediately preceding the date of such application, of each stockholder or member of such corporation, or each general partner of such partner-

ship or joint venture, and of each person who has contracted for a financial interest in the applicant or the racing facility where the racing and wagering activities of the applicant will be conducted, whether such interest will be an ownership or a security interest, and the nature and value of such interest, and the name and address of each person who has agreed to lend money to the applicant; provided that if the applicant proposes to arrange further financing, subsequent to the award of an operator's license, through a sale of stock, partnership interests or other equity interest, the issuance of debt securities, the entering into of financing leases or otherwise borrowing money, then, in such case, the commission may grant an operator's license which sets forth conditions to be met in arranging such further financing or which reserves to such commission the right to approve any or all aspects of such further financing;

(4) Such information as the commission deems appropriate regarding the character and responsibility of the applicant and the members, partners, stockholders, officers and directors of the applicant;

(5) The location and description of the racing facility where the applicant proposes to conduct the activity covered by the operator's license for which application is being made; provided that the commission may require such information about such facility and the location thereof, including preliminary architectural plans, as it deems necessary and appropriate to determine whether such facility is suitable and complies with the standards established by the commission pursuant to this chapter, and whether the conduct of horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon, as the case may be, at such location would be in the best interests of the people of the state;

(6) Such information relating to the business experience and financial responsibility of the applicant as the commission deems appropriate; and

(7) Any other information which the commission in its discretion deems appropriate.

Anything contained in this section 11-65-18 to the contrary notwithstanding, an applicant shall not be required to disclose, in connection with an application for an operator's license, any confidential financial information, or any information concerning the exact percentage of ownership interests in such applicant held by various persons, that it would be entitled, as a licensee of the commission, to keep confidential under the provisions of subdivision (10) of section 11-65-10, and to the extent that any such information is furnished to the commission by such applicant, or otherwise comes into the possession of the commission, it

shall be kept confidential and shall be protected from public disclosure to the same extent as confidential information concerning a licensee is required to be protected from public disclosure pursuant to said subdivision (10).

Any application for the issuance or transfer of an operator's license, whether for horse racing or greyhound racing, filed hereunder shall be verified by the oath or affirmation of an officer of the applicant and shall be accompanied by a nonrefundable fee of \$10,000.00."

Section 17. Review of Application for Operator's License. Section 11-65-19, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-19. Review of application for operator's license.

(a) A commission shall promptly consider any application for the issuance or transfer of an operator's license submitted to it and shall grant or deny the issuance or transfer of such license based on all information before it, including the results of any investigations it deems appropriate. A commission shall deny a license to any applicant unless it finds as follows:

(1) That such applicant is a business entity, whether a corporation, partnership or other kind of organization, possessing the organizational substance, financial soundness, managerial capability and business experience with racing and pari-mutuel wagering operations, or with businesses requiring similar managerial experience and skill, that, in the reasonable judgment of the commission, are necessary to conduct horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon, as the case may be, at the location for which an operator's license is being sought; ~~corporation organized under Title 10 or comparable law or laws of another state, and qualified to do business in the state;~~

(2) That the racing facility which is to be the location of the applicant's prospective operations will be suitable for its intended purposes, whether horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both, and can be reasonably expected to provide the physical plant and location necessary for a successful operation, taking into account projected capital and operating costs, capacity, access, public appeal and other relevant factors; ~~applicant would be qualified, under the provisions of this chapter, for a license to own the racetrack facilities at which it desires to hold a race meeting;~~

(3) That the applicant shall have made, or shall have committed to

make, arrangements satisfactory to such the commission for the detection and prosecution of any corrupt or fraudulent act, practice, or conduct in connection with all licensed activities, any race meeting, including utilization of the services of a protective agency acceptable to such the commission; and

(4) That the applicant ~~shall have obtained and committed to maintain membership in such racing associations (as, for example, the Thoroughbred Racing Association or the United States Harness Association) as such commission finds necessary or desirable to assist an operator to operate race meetings;~~ an has a business plan for conducting horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both, as the case may be, in accordance with high standards of security, service and accommodation to the public, as well as in accordance with such standards of the industry, whether horse racing or greyhound racing, that the commission reasonably considers to be appropriate for operations of the nature planned by the applicant, taking into account the size, location and other relevant characteristics of the sponsoring municipality and its surrounding area.

~~(b)(5)~~ A commission shall deny the issuance or transfer of an operator's ~~a~~ license to any applicant unless it finds that at least 51 more than 50 percent of both the persons having a direct ownership interest and the voting interest in the applicant (and the applicant's general partner in the event the applicant is a limited partnership) is owned, directly or indirectly by persons who have a substantial presence in the state. For purposes of subdivision (5), this subsection (b), a person has shall be deemed to have a substantial presence in the state under any of the following circumstances:

~~(1)a-~~ If a natural person, then such person ~~is~~ has been domiciled in the state for at least 12 consecutive months prior to the date of the application for a license;

~~(2)b-~~ If a corporation, then such corporation is incorporated under Title 10, Code of Alabama 1975, or is incorporated under ~~a~~ comparable ~~law or~~ laws of another state and is licensed or qualified to do business in the state and, in addition, satisfies one of the following alternative sets of conditions:

a. such corporation has maintained its principal place of business, and has actively done business, in the state since January 1, 1985, for at least 12 consecutive months prior to the date of application for a license, as evidenced either by the employment of at least 100 employees in the state or by the employment of \$500,000.00 in assets held in the state during such period; or

b. more than 50 percent of both the ownership interest and the voting interest in such corporation is owned, directly or indirectly, by natural persons described in subdivision (b)(1) of this section, or by one or more corporations described in subdivision (b)(2) a of this section, or by any combination of such natural persons and corporations;

(3)c. If a limited partnership, then such limited partnership is formed or registered under Title 10, Code of Alabama 1975, and has maintained its principal place of business in the state since January 1, 1985, or has maintained and at least 50 percent of its assets in the state since January 1, 1985, for at least 12 consecutive months prior to the date of application for the license, and its general partner has maintained its principal place of business or residence in the state since January 1, 1985 for at least 12 consecutive months prior to the date of such application;

(4)d. If a general partnership, then such partnership has maintained its principal place of business in the state since January 1, 1985, or has maintained and at least 50 percent of its assets in the state since January 1, 1985 for at least 12 consecutive months prior to the date of application for the license;

(5)e. If a financial institution, then such financial institution is a person, firm, corporation or any other legal entity whatsoever doing business in the state as a bank, national banking association, bank, state banking corporation, association, trust company, industrial or other loan company, or building and loan association, or insurance company and has maintained its principal place of business in the state since January 1, 1985 for at least 12 consecutive months prior to the date of application for the license;

(6)f. If a trust or custodianship, then at least 50 percent of the corpus of such trust or custodianship is situated in the state and the trustee or custodian of such property has a substantial presence in the state under any of the standards set forth in this subsection (b) subdivision (5); or

(7)g. If an estate, then such estate is the estate of a person described in paragraph (5)a, subdivision (b)(1), or at least 50 percent of the property of such estate consists of real estate located in the state or tangible personal property which has been located within the state since January 1, 1985 for at least 12 consecutive months prior to the date of application for the license.

(c) The provisions of this section which permit an operator's license to be granted only if more than 50 percent of both the ownership



interest and the voting interest in the licensee is owned, directly or indirectly, by persons who have a substantial presence in the state shall not be construed (1) to impair the foreclosure rights of any mortgagee holding a mortgage on any racing facility owned, leased or otherwise used by such licensee that secures debt incurred to finance the costs of constructing or purchasing such racing facility or (2) to impair the rights of any mortgagee holding such a mortgage, or the rights of any other person, to which such racing facility may be sold in foreclosure, to take and hold title to such racing facility, to lease or sell the same, and to apply for and receive an operator's license from the commission to conduct racing and pari-mutuel wagering activities at such racing facility upon compliance with all other applicable provisions of this chapter, irrespective of whether the aforesaid condition of substantial presence in the state shall be satisfied by persons owning, directly or indirectly, more than 50 percent of both the ownership interest and the voting interest in such mortgagee or in any person to which such racing facility shall be sold, as the case may be.

(d) A commission shall deny the issuance or transfer of an operator's license to an applicant if it finds that for any reason the issuance or transfer of such license to such applicant would not be in the interests of the people of the sponsoring municipality or that the applicant, or any officer, general partner or director of the applicant, (i) is a disqualified person, (ii) has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for in the application, or (iii) is not qualified to do business in the state or is not subject to the jurisdiction of the courts of the state."

Section 18. Terms of an Operator's License. Section 11-65-20, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-20. Terms of an operator's license.

(a) An operator's license issued under this chapter, whether for horse racing and pari-mutuel wagering thereon or for greyhound racing and pari-mutuel wagering thereon, shall be for a an initial period of 20 years, but shall be subject to renewal as provided in this section 11-65-20. A commission shall have no power to modify the terms of an operator's license, once issued, without the prior written consent of the holder of such license. An operator's license shall be reviewed annually, but such license shall be revocable by the commission only if the holder thereof shall not be in compliance with the provisions of this chapter or the valid rules, regulations and orders of the commission and such noncompliance shall have continued for 60 days after written notice shall be given to such holder by the commission stating the

~~circumstances of noncompliance and demanding corrective action, reviewed annually. Any such license issued under this chapter shall permit the holder thereof to hold and conduct one or more race meetings each year at the racetrack to which such license shall be applicable. Races may be conducted six days or nights a week throughout the year, but not on Sunday.~~

(b) A commission issuing an operator's license shall state therein the person ~~corporation~~ to whom which such license is issued, the activity licensed thereby (namely, whether the license is to conduct horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon), the location of the racetrack racing facility where the licensed activity is ~~meetings are~~ to be conducted, the period during which such license shall be in effect, and such other conditions of the license and related information as such commission shall deem proper, subject to compliance with the provisions of this chapter.

(c) An operator's license, whether for horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon, shall be renewable at the expiration of the original term for successive renewal terms of three years each without limit as to the number of such renewal terms that may be granted to the original licensee. Not more than 180 days nor less than 90 days prior to the expiration of the original term of an operator's license, or the expiration of the renewal term for which such license shall have last been renewed, as the case may be, the holder of such license shall give written notice to the commission as to whether or not such holder will seek a renewal of such license. If the holder of an expiring operator's license, whether for an original or a renewal term, states in such notice that it has no interest in seeking a renewal term, then the commission shall make such arrangements, consistent with the provisions of this chapter, to obtain a replacement licensee for the expiring license through open competition or such other selection process as the commission may deem desirable. If the holder of an expiring license states in such notice that it desires to renew the license for a renewal term, the commission shall require such holder to submit a new application for the operator's license for such renewal term at least 60 days prior to the expiration of the current license, which application shall be in such form and shall contain such information as may be prescribed by the commission. The commission may require a licensee applying for a renewal term to provide the same information and to meet the same qualifications as would, at the time of such renewal application, be required of a successful applicant for a original operator's license. The commission shall either grant or deny the requested renewal of the license within 30 days after receiving the application therefor, but the commission shall not deny the renewal of an operator's license except for good cause. Without limiting the generality

of the factors that may constitute good cause for denying the renewal of an operator's license, it is hereby expressly provided that good cause shall include (i) chronic and repeated prior failures of such operator to comply with the provisions of this chapter as implemented by the rules, regulations and orders of the commission and (ii) the prior failure of such operator to exploit fully the economic potential of such license as evidenced by a limited schedule of racing programs, poor quality of racing programs, and poor attendance and participation in pari-mutuel wagering by the public. An operator's license shall be renewed by a commission on the same terms as originally issued, except for such conditions as may be necessary to correct matters that would constitute good cause for denying the renewal of such license.

(d) The commission shall issue rules and regulations pursuant to which a horse racing operator or a greyhound racing operator, as the case may be, shall schedule racing programs to be conducted pursuant to the license held by such operator. An operator's license, whether for horse racing or greyhound racing, shall entitle such operator to schedule racing programs on as many racing days during a calendar year as such operator, in the exercise of its business judgment, shall deem advantageous; provided that programs of horse racing or greyhound racing may not be scheduled for more than 310 racing days in any calendar year. The commission may require an operator to provide and update periodically the schedule of racing programs, whether horse racing or greyhound racing, that the operator proposes to conduct during each calendar year, but such schedule may, upon reasonable notice to the commission, be altered as often and to such extent as the operator deems necessary. A program of horse racing or greyhound racing, as the case may be, shall consist of such number of individual races of such kind as the operator may determine, and more than one program may be held on any racing day and scheduled at such time or times as the operator shall deem advantageous. If an operator holds both a license for horse racing and greyhound racing, different programs of live or simulcast horse racing and live or simulcast greyhound racing may be scheduled for separate times on the same racing day if the racing facility can accommodate, or be modified to accommodate, such different programs.

(e) Any program of horse racing and pari-mutuel wagering thereon or any program of greyhound racing and pari-mutuel wagering thereon that began before midnight of any racing day may be continued past midnight of the next calendar day to the end of the racing day in which such program began; provided, however, that the operator shall comply with all applicable general and local laws and county and municipal ordinances governing the times during which businesses serving the general public may sell food and alcoholic beverages and provide enter-

tainment. No programs of horse racing and pari-mutuel wagering thereon nor programs of greyhound racing and pari-mutuel wagering thereon shall be permitted to commence on any Sunday or Christmas Day or Thanksgiving Day, but such prohibition shall not be interpreted to prohibit licensed activities during the final two hours of any preceding racing day.

(f) While any operator's license or licenses for horse racing and pari-mutuel wagering thereon theretofore issued by a commission shall remain in effect, such commission shall not issue any other operator's license for horse racing and pari-mutuel wagering thereon in the commission municipal jurisdiction with respect to any racing events of the kind covered by the operator's license or licenses already in effect without the duly authorized consent of the operator or operators holding all such operator's licenses for horse racing already in effect, which consent shall be obtained in writing prior to the issuance of any such other operator's license for horse racing. Likewise, while any operator's license or licenses for greyhound racing and pari-mutuel wagering thereon theretofore issued by a commission shall remain in effect, such commission shall not issue any other operator's license for greyhound racing and pari-mutuel wagering thereon in the commission municipal jurisdiction without the duly authorized consent of the operator or operators holding all such operator's licenses for greyhound racing already in effect, which consent shall be obtained in writing prior to the issuance of any such other operator's license for greyhound racing.

(g) Any provisions of this chapter or any other law to the contrary notwithstanding, a commission may, at the time of the issuance of an operator's license to ~~an~~ a horse racing operator or a greyhound racing operator, as the case may be, or at any time thereafter, enter into a contract with such operator establishing restrictive conditions under which such commission may license the conduct of horse racing or greyhound racing events and pari-mutuel wagering thereon that would compete with the racing ~~events or~~ or wagering activities covered by the license of such operator, which conditions may, in the discretion of such commission, preclude the licensing of any competing racing events or activities while such operator's license shall remain in effect. For purposes of any such contract, it is hereby expressly recognized that an operation conducting greyhound racing and pari-mutuel wagering thereon, in addition to competing with other greyhound racing operations, will, in economic effect, compete with any geographically proximate operation conducting horse racing and pari-mutuel wagering thereon. The provisions of any such contract between a commission and an operator shall be deemed to be a part of the terms and conditions of the operator's license granted to such operator. Without in any way limiting the nature of the consideration that may be given by an operator

to make any such contract binding, the obligations (including any future obligations) of any horse racing operator to pay the state horse wagering fee and the commission horse wagering fee, or the obligations of any greyhound racing operator to pay the state dog racing privilege tax and the commission greyhound wagering fee, together with the other economic benefits to be derived by the state and by such the commission and its sponsoring municipality from the conduct of horse racing and pari-mutuel wagering activities, thereon, shall be deemed sufficient consideration to make such contract binding upon such commission and any state racing commission. Any such contract between a commission and an operator shall be binding upon such commission and any state racing commission at any time exercising jurisdiction over such commission or such operator and shall not be impaired by any subsequent action of such commission or such state racing commission or by any act of the legislature of Alabama which, through the authorization of another licensing entity or by any other means, would permit or encourage the conduct of racing events or and wagering activities by persons other than such operator in contravention of such contract.

(h) In order to protect the continued viability of existing greyhound racing in Greene County and Macon County, a commission shall include in each operator's license for greyhound racing issued pursuant to this chapter conditions, as and to the extent hereinafter provided, which prohibit or restrict advertising by such operator in the "protected territory" hereinafter respectively defined for Greene County and Macon County. The protected territory for Greene County shall comprise the entire State of Mississippi and the entire area of the following counties in Alabama: Marion, Lamar, Fayette, Pickens, Tuscaloosa, Bibb, Sumter, Greene, Hale, Perry, Dallas, Lowndes, Wilcox, Marengo, Choctaw, Washington, Clarke and Monroe. The protected territory for Macon County shall comprise the entire area of the following counties of Alabama: Randolph, Chambers, Lee, Russell, Macon, Bullock, Montgomery, Lowndes, Butler, Crenshaw, Pike, Barbour, Henry, Dale, Coffee, Covington, Conecuh, Escambia, Geneva and Houston. The license issued to an operator for greyhound racing shall prohibit such operator, or any person acting on its behalf, from advertising, in the protected territory of each of Greene County and Macon County, the existence of the greyhound racing operation covered by such license, the nature of the attraction or entertainment provided thereby or any other aspect, feature or circumstance of greyhound racing and pari-mutuel wagering thereon as conducted by such operator that has the purpose, intent or effect of inducing people to patronize such greyhound racing operation or any activity associated therewith.

(i) The advertising prohibited in the protected territory of each of Greene County and Macon County shall include, without limitation

thereto, the following: (i) any advertising or solicitation by direct mail sent to addresses in the protected territory; (ii) any advertising or solicitation by telephone or other means of telecommunication directed to receiving devices located in the protected territory; (iii) any commercial messages broadcast from radio or television stations having either studio or transmission facilities located in the protected territory; (iv) any commercial messages transmitted by cable television to receiving units in the protected territory; (v) any advertising carried by newspaper, magazines or other publications published at any location in the protected territory; and (vi) any billboards or other signs visible from public roads in the protected territory. Any provision of this chapter to the contrary notwithstanding, a greyhound racing operator shall not be deemed to violate the prohibition of its license against advertising in the protected territory as a result of any of the following occurrences: (1) the reception in the protected territory of radio or television transmissions which are broadcast by radio or television stations having neither studio nor transmission facilities in the protected territory and which contain information of any kind concerning the greyhound racing operation covered by such license, irrespective of whether such information consists of paid advertising, news stories or other matter; (2) with respect to newspapers, magazines and other publications, whether published at a location in or outside the protected territory, the delivery and sale in the protected territory of a publication containing a news article or other information concerning the greyhound racing operation covered by such license that does not constitute paid advertising; and (3) with respect to newspapers, magazines and other publications that are not published at a location in the protected territory, the delivery and sale in the protected territory of magazines, newspapers and other publications, whether pursuant to subscription, newsstand sales or otherwise, which contain paid advertising concerning the greyhound racing operation covered by such license.

(j) The prohibition in the license of a greyhound racing operator against advertising in the protected territory of each of Greene County and Macon County shall continue for the initial term of the operator's license and each renewal thereof; provided that if greyhound racing in either Greene County or Macon county shall be discontinued for a period of two consecutive years or more, then such greyhound racing operator shall be fully released from the prohibition against advertising in the protected territory of the county in which greyhound racing shall be so discontinued, and the resumption of greyhound racing in such county after a period of discontinuance of two years or more shall not cause such prohibition to be reinstated against such greyhound racing operator. A commission issuing a license for greyhound racing shall have the duty to enforce the prohibition against advertising in the protected territory of Greene County and Macon County as and to the same extent that it is bound to enforce other terms and conditions of an

operator's license issued pursuant to this chapter; provided that Greene County or Macon County, or the racing commission of either county, or any licensee of either such commission, or any citizen, taxpayer or other interested party in either such county may, without waiting for enforcement action by the commission issuing such operator's license, bring a civil action for the enforcement of such prohibition, by way of injunctive relief or claim for damages or both, in the circuit court of the host county or of any other county in the state where a violation of the prohibition shall have occurred.

(k) A commission issuing an operator's license ~~shall~~ may require a bond with surety acceptable to it, ~~and in an amount determined by it to be sufficient to secure payment of any cover the maximum indebtedness anticipated to be incurred by the holder of such license to such commission in any year, but such bond shall not for any reason be set by the commission at an amount greater than the amount of indebtedness reasonably anticipated to be secured thereby. The amount of such bond may be adjusted from time to time as such commission may require."~~

Section 19. Acquisition of Interest in Horse Racing Facility Licensee or Operator. Section 11-65-22, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-22. ~~Application to acquire interest in operator.~~ Acquisition of interest in horse racing facility licensee or operator.

(a) A disqualified person may not acquire or hold an interest in ~~an owner~~ a horse racing facility licensee or an operator. A commission may require that a disqualified person dispose of its interest in ~~an owner~~ a horse racing facility licensee or an operator within a reasonable period of time provided that (i) the commission shall determine at a hearing that the owner of such interest is a disqualified person and (ii) the person who is alleged to be a disqualified person shall receive notice of and an opportunity to be heard at such hearing. Any person aggrieved by an action of a commission pursuant to this section 11-65-22 may appeal to the circuit court of the host county pursuant to section 11-65-12.

(b) Any person desiring to acquire stock in, a partnership or other ownership interest in, or to become an owner or member of, any entity which holds ~~an owner's~~ a horse racing facility license or an operator's license hereunder who, after giving effect to such acquisition, becomes the beneficial owner of more than five percent of the total outstanding stock of, or interest in, such entity, shall apply to the commission which issued any such license on a form prescribed by it for approval of such acquisition or membership. The commission shall consider such application forthwith, and may, if it finds it necessary,

demand additional information concerning the proposed acquirer or transferee of stock or other interest or the proposed member, as the case may be. If in the judgment of the commission the person making such application is a disqualified person, or the acquisition or transfer of stock or other interest or membership in an entity holding an owner's a horse racing facility license or an operator's license would be detrimental to the public interest, to the honesty and integrity of horse racing or greyhound racing, or to the reputation of racing, either thereof, then, in any such case, the application shall be denied. If the application is not denied within 60 days, it shall be deemed approved.

(c) If the district attorney of the host county shall have reason to believe, either because of information gained by his own investigation or because of information brought to his attention by others, that a disqualified person has acquired and continues to hold stock or any other interest in a horse racing facility licensee ~~an owner~~ or an operator, the district attorney shall give written notice of such belief to the commission having jurisdiction over such ~~owner~~ licensee or operator and shall state in such notice the identity of the alleged disqualified person and such other information as shall justify an investigation by the commission into whether the person identified in such notice is a disqualified person and whether such person has acquired and continues to hold stock or any other interest in ~~an owner~~ a horse racing facility licensee or an operator. If, within a period of 30 days after receipt of such notice from the district attorney, the commission does not conduct any such investigation, or if, after having commenced any such investigation within said period of 30 days, the commission ultimately determines that the person who is the subject of such investigation is not a disqualified person or has not acquired and does not hold any stock or other interest in ~~an owner~~ a horse racing facility licensee or an operator, then, in either of such cases, the district attorney shall have the right to institute proceedings in the circuit court of the host county (1) to determine whether such person is a disqualified person and whether such person has acquired and continues to hold stock or any other interest in ~~an owner~~ a horse racing facility licensee or an operator and (2) to enforce the provisions of this chapter which prohibit any disqualified person from acquiring or holding an interest in ~~an owner~~ such licensee or operator. Upon any showing of clear and convincing evidence that any person is a disqualified person and has acquired and continues to hold stock or any other interest in ~~an owner~~ a horse racing facility licensee or an operator, the circuit court shall order such disqualified person to dispose of such stock or other interest within a reasonable period of time.

(d) In determining a reasonable period of time for the disposition by a disqualified person of any stock or other interest in ~~an owner~~ a



horse racing facility licensee or an operator, the commission or the circuit court, as the case may be, shall take into account the facts and circumstances which justify the determination that the owner of such stock or other interest is a disqualified person, and if the status of any disqualified person results from any event or condition referred to in any of subparagraphs a, b, c, or d of section 11-65-2(a)(9)(11), the commission or the circuit court, as the case may be, shall order the disposition of such stock or other interest as quickly as shall be consistent with justice, and if either the commission or the circuit court determines that such disqualified person intentionally violated the provisions of this chapter prohibiting the acquisition of such stock or other interest, the disposition of the same may be ordered without delay regardless of the fact that such immediate disposition may cause substantial economic loss to such disqualified person.

(e) The district attorney shall cooperate fully with the commission in any investigation or proceeding undertaken by the commission pursuant to notice given to the commission by the district attorney. The commission shall cooperate fully with the district attorney in any investigation undertaken or proceeding instituted by the district attorney in consequence of the failure of the commission to take action pursuant to a notice given by the district attorney or to determine that the person who is the subject of such notice is not a disqualified person or has not acquired and does not hold any stock or other interest in an owner a horse racing facility licensee or an operator.

(f) Whether in connection with the operation of a racing facility or any other business of a horse racing facility licensee or an operator or any affiliate thereof, such licensee or operator shall not employ, or cause to be employed, the spouse or child of any member of the legislature, any state constitutional officer or any elected official of the host county or the sponsoring municipality. Members of the legislature and elected officials of the host county or the sponsoring municipality shall not acquire any ownership interest in a horse racing facility licensee or any operator nor shall any business or professional entities owned, in whole or in part, by such legislators or officials sell any goods or provide any services for such licensee or operator; provided that the preceding provisions of this sentence shall not be construed to require any such legislator or official to sell or otherwise dispose of any investment securities representing an ownership interest in a horse racing facility licensee or an operator if such securities were acquired in a public offering or for value in a market transaction which, in either case, was consummated prior to the effective date of this subsection (f).

(g) Anything contained herein to the contrary notwithstanding, the provisions of this section and section 11-65-2(a)(9)(11) are hereby ex-

pressly declared to be severable from the other provisions of this chapter, and if such provisions of this chapter are determined by any court of competent jurisdiction to be invalid for any reason, such determination shall not affect, impair or invalidate the remaining provisions of this chapter."

Section 20. Permits Required for Certain Individuals and Companies. Section 11-65-23, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-23. Permits required for certain individuals and companies.

No person, firm, corporation or partnership shall participate in any horse racing or greyhound racing subject to the jurisdiction of a commission or in the conduct of any racing event or pari-mutuel wagering thereon, whether as a horse owner, greyhound owner, trainer, jockey, exercise boy, groom, stable foreman, kennel foreman, valet, veterinarian, agent, pari-mutuel employee, concessionaire or employee thereof, or as an track employee of the operator, or enter the racetrack enclosure for either horse racing or greyhound racing in any capacity other than as a spectator, unless such person or the firm, corporation or partnership employing such person possesses a permit therefor from the ~~appropriate~~ commission and complies with the provisions of this chapter and all reasonable rules and regulations of such commission. No permit issued under this section shall be transferable.

The provisions of this section which require a concessionaire (other than the operator) to obtain a permit from the ~~appropriate~~ commission in order to operate a business selling food, beverages, souvenirs or other merchandise to persons attending racing events shall not be construed to permit ~~any~~ the commission to charge a concessionaire any license or permit fees measured by its gross revenues or to derive any economic benefit from the operations of such concessionaires other than the permit fees authorized by section 11-65-24, it being expressly provided that the horse racing facility licensee owner and the operators for each racing facility shall have the exclusive rights (as they may by contract allocate such rights among themselves) to determine the business conditions under which concessionaires shall operate at racing facilities under the jurisdiction of ~~any~~ the commission and to retain all moneys (except for the commission's permit fee as aforesaid) which any concessionaire is willing to pay for the privilege of conducting business at such racing facilities."

Section 21. Review of Applications for Permits. Section 11-65-25, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-25. Review of applications for permits.

A commission shall promptly consider any application for a permit submitted to it and shall issue or deny such permit based on the information in the application and all other information before it, including the results of any investigation it deems appropriate. If an application for a permit is approved, the commission approving such application shall issue a permit which shall be valid for one year and shall contain such information as such the commission deems appropriate. ~~Such permit shall be valid for one year.~~

A commission shall deny any such application and refuse to issue a permit, which denial shall be final unless an appeal is taken under the provisions of this chapter, if it finds that the issuance of such permit to the applicant therefor would not be in the interest of the applicant, the people of the sponsoring municipality or the integrity or reputation of the horse racing industry or the greyhound racing industry in the sponsoring municipality, or that the applicant:

(1) Has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for by the application;

(2) Is or has been guilty of any corrupt or fraudulent practice or conduct in connection with any horse racing or greyhound racing activity in the state or any other state;

(3) Has failed to comply with the provisions of this chapter or the reasonable rules and regulations of the commission;

(4) Has had a permit to engage in an activity related to horse racing or greyhound racing denied for just cause, suspended or revoked in any other state, and such denial, suspension or revocation is still in effect; or

(5) Is unqualified to perform the duties required for the permit sought.

No commission shall have the right to delay or deny the issuance of a permit for any reason other than findings made pursuant to this section concerning the integrity, suitability or other relevant qualifications of the person applying for such permit. No commission shall use its power to withhold any permit as a means of obtaining concessions from an operator with respect to any matter under the jurisdiction of a commission that may be the subject of disagreement or controversy between the commission and such operator, including, without limitation, scheduling of racing programs, dissatisfaction with any contract of such operator submitted for the commission's approval,

or access to confidential information concerning such operator that is not required to be disclosed. If any permit is neither granted by the commission, nor expressly denied by the commission on the basis of findings made in accordance with this section 11-65-25, nor the application therefor withdrawn by the person seeking such permit, in any such case within 30 days after the submission of the application for such permit, such application shall be deemed approved and the commission shall forthwith issue such permit to the person applying therefor; provided, however, that any permit issued pursuant to such deemed approval shall be subject to suspension or revocation by the commission pursuant to section 11-65-26 on the basis of facts or information subsequently coming to the attention of the commission that were not available to it at the time of such deemed approval."

Section 22. Licenses Required for Stewards and Judges of Races; Appointment of Stewards and Judges. Section 11-65-27, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-27. Licenses required for stewards and judges of races; appointment of stewards and judges for race meetings.

Any person desiring to act as a steward for any horse race ~~meeting~~ conducted by a horse racing operator licensed by a commission pursuant to this chapter must obtain a steward's license from the such commission, having jurisdiction over such race meeting. Likewise, any person desiring to act as a judge for any greyhound race conducted by a greyhound racing operator licensed by a commission pursuant to this chapter must obtain a judge's license from such commission. Each commission shall require each applicant for a steward's license or a judge's license, as the case may be, to pass one or more examinations on matters relating to the duties of stewards or judges. Such examinations shall be prepared and administered in accordance with rules and regulations to be adopted by each the commission. ~~Any~~ The commission may establish other requirements, in addition to successful completion of such examinations, which must be met by any applicant in order to obtain a steward's license or a judge's license, as the case may be, including, without limitation, payment of reasonable license fees. Any steward's license or judge's license issued by a commission pursuant to this chapter shall have a term not exceeding two years, provided that the term of any such license may be extended or renewed at the option of the appropriate commission.

Three licensed stewards shall be appointed to supervise each program of horse racing race-meeting conducted by a horse racing operator licensed pursuant to this chapter. Two of such stewards shall be appointed by the commission governing such race meeting-licensing such operator and one shall be appointed by the such operator conducting

~~such race meeting.~~ Such stewards shall exercise such powers and perform such duties at each race meeting for each program of horse racing as may be prescribed by the rules and regulations of the governing licensing commission. The horse racing operator shall pay the wages and other employment costs of the steward whom it shall appoint, and the commission shall pay the wages and other employment costs of the two stewards whom it shall appoint.

Three licensed judges shall be appointed to supervise each program of greyhound racing conducted by a greyhound racing operator licensed pursuant to this chapter. Two of such judges shall be appointed by the commission licensing such operator and one shall be appointed by such operator. Such judges shall exercise such powers and perform such duties for each program of greyhound racing as may be prescribed by the rules and regulations of the licensing commission. The greyhound racing operator shall pay the wages and other employment costs of the judge whom it shall appoint, and the commission shall pay the wages and other employment costs of the two judges whom it shall appoint."

Section 23. Pari-mutuel Wagering. Section 11-65-28, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-28. Pari-mutuel wagering.

(a) Pari-mutuel wagering conducted by an operator shall be conducted in accordance with the provisions of this section. An operator shall provide a place or places at the racetrack racing facility operated by it at which such operator shall conduct a pari-mutuel system of wagering by its patrons on the results of horse races or greyhound races, as the case may be, held at such racing facility, racetrack. Such place or places shall be provided with the electronic or mechanical equipment necessary to issue pari-mutuel tickets, as well as the electronic or mechanical equipment necessary to record the wagering, compute the odds, and determine the awards to winning bettors, all in an accurate and speedy manner. All such equipment shall be approved by the commission licensing such operator before being used, but such commission shall not require the installation of any particular make of such equipment.

(b) Subject to the provisions of subsection (c) of this section 11-65-28, a horse racing the next succeeding paragraph, an operator shall distribute to the winners of each pari-mutuel pool originated for horse races the total amount wagered with respect to that pool, less the following deductions, to be retained by such operator as in the case may be applicable, to be retained by such operator as the "takeout" for its own use and purposes, including the payment of the wagering fees imposed by this chapter:

(1) In the case of any pari-mutuel pool where the bettor is required to select one horse, there shall be deducted an amount equal to 17 percent of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool;

(2) In the case of any pari-mutuel pool where the bettor is required to select two horses, there shall be deducted an amount equal to 21 percent of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool; and

(3) In the case of any pari-mutuel pool where the bettor is required to select three or more horses, there shall be deducted an amount equal to 23 percent of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool. In addition to the amounts permitted by the preceding ~~sentence~~ provisions of this subsection (b) to be deducted from all pari-mutuel pools originated for horse races and retained by ~~an~~ the horse racing operator conducting such races, such operator shall be permitted to retain all moneys represented by unclaimed, uncashed, or abandoned pari-mutuel tickets; provided, however, that no pari-mutuel ticket shall be deemed to be unclaimed, uncashed, or abandoned unless it shall not be presented for payment within six months from the date of the running of the race to which such pari-mutuel ticket pertains.

(c) During any period in which ~~an~~ a horse racing operator shall be required to pay the state horse wagering fee, such operator shall have the right to increase the "take out" deduction permitted by subsection (b) of this section 11-65-28 ~~the next preceding paragraph~~ by any amount up to one percent of the total amount wagered with respect to any pari-mutuel pool originated for horse races, any provisions of this chapter or any other law to the contrary notwithstanding. It is hereby expressly declared that this right is conferred upon each horse racing operator licensed by a commission for the purpose of enabling such operator to generate all or part of the money necessary to pay the state horse wagering fee, and any increase in the amount deducted by an operator from any pari-mutuel pools pursuant to the exercise of such right shall not be made the basis of any increase in the state horse wagering fee, the commission horse wagering fee or any other taxes, fees or commissions payable by such operator. No increase in the amount deducted from any pari-mutuel pool shall be permitted pursuant to this ~~paragraph~~ subsection (c) until such time as ~~an~~ a horse racing operator shall become liable for the state horse wagering fee, but thereafter, and for so long as such operator shall remain liable for the state horse wagering fee, the right conferred by this ~~paragraph~~ subsection (c) to increase the amount deducted may be exercised at any time and from time to time (including the right to institute an increase and thereafter discon-

tinue and resume it any number of times), may be exercised with respect to all pari-mutuel pools originated for horse races or with respect to some and not to others, and may be exercised with respect to any qualifying pari-mutuel pool in any degree of increase, not exceeding in any case more than one percent of the total amount wagered with respect to that pool, all as such operator shall determine in the exercise of its sole discretion without direction or influence from the commission licensing such operator, any state racing commission or any other governmental body.

(d) A greyhound racing operator shall distribute to the winners of each pari-mutuel pool originated for greyhound races the total amount wagered with respect to that pool, less the following deductions, as in the case may be applicable, to be retained by such operator as the "takeout" for its own use and purposes, including the payment of the state dog racing privilege tax and the commission greyhound wagering fee:

(1) In the case of any pari-mutuel pool where the bettor is required to select one greyhound, there shall be deducted an amount equal to 17 percent of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool;

(2) In the case of any pari-mutuel pool where the bettor is required to select two greyhounds, there shall be deducted an amount equal to 21 percent of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool; and

(3) In the case of any pari-mutuel pool where the bettor is required to select three or more greyhounds, there shall be deducted an amount equal to 23 percent of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool. In addition to the amounts permitted by the preceding provisions of this subsection (d) to be deducted from all pari-mutuel pools originated for greyhound races and retained by the greyhound racing operator conducting such races, such operator shall be permitted to retain all moneys represented by unclaimed, uncashed, or abandoned pari-mutuel tickets; provided, however, that no pari-mutuel ticket shall be deemed to be unclaimed, uncashed, or abandoned unless it shall not be presented for payment within six months from the date of the running of the race to which such pari-mutuel ticket pertains. The provisions of section 40-26A-2(c) relating to the state dog racing privilege tax to the contrary notwithstanding, a greyhound racing operator shall not be entitled to increase to 19 percent the "takeout" deduction specified in subdivision (d)(1) for pari-mutuel pools where the bettor is required to select one greyhound. Nothing contained in section 40-26A-2(c) shall be construed to require the "takeout" deduction specified in subdivision (d)(2) to be

reduced to 19 percent or the "takeout" deduction specified in subdivision (d)(3) to be reduced to 21 percent.

(e) A commission shall adopt and maintain rules and regulations for each kind of pari-mutuel pool that may be originated ~~operated~~ by a horse racing operator or a greyhound racing operator, as the case may be, ~~an operator licensed by such commission,~~ and such rules and regulations shall be published by such commission in book or pamphlet form for general distribution to all interested persons. Under the pari-mutuel system of wagering hereby authorized, an operator shall be permitted to provide separate pools for bets to win, place, and show, as well as separate pools for more complex wagers involving such combinations of races and such combinations of the outcomes of races as shall be approved by the commission licensing such operator. Each pool (less the amount that the operator is permitted to retain as the "takeout" pursuant to the provisions of this section) shall be distributed separately to the winners thereof in accordance with the rules and regulations of the governing commission for that kind of pari-mutuel pool. If there is no ticket bet on the winning horse or greyhound or combination of horses or greyhounds, as the case may be, for any pari-mutuel pool, the portion of the pool which would have been distributed to any winners thereof shall be distributed to the holders of the tickets for such pool in accordance with the rules and regulations of the governing commission for that kind of pari-mutuel pool."

Section 24. State Horse Wagering Fee. Section 11-65-29, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-29. State horse wagering fee.

No license tax, fee or equivalent charge shall be levied by the state against horse racing or pari-mutuel wagering thereon licensed and regulated by a commission during a period beginning with April 5, 1984, and continuing until the fifth anniversary of the date on which racing events shall first be conducted under the jurisdiction of such commission. Beginning with such fifth anniversary of the date on which racing events shall first be conducted under the jurisdiction of a commission, and continuing thereafter for so long as such commission shall continue in existence, each horse racing operator licensed by such commission shall pay to the department of revenue of the state (or such other department or agency of the state as may be provided by law) a state horse wagering fee in an amount equal to one percent of the horse racing handle of such operator. The state horse wagering fee shall be paid in installments referable to the calendar months during which racing events shall be conducted by ~~an~~ a horse racing operator, and the installment referable to any calendar month shall be an amount equal to one percent of the horse racing handle of such operator for such



calendar month and shall be paid to the department of revenue of the state (or such other department or agency of the state as may be provided by law) prior to the end of the next succeeding calendar month. The department of revenue of the state (or other collecting department or agency of the state) is hereby authorized to promulgate and enforce such rules and regulations, not inconsistent with the provisions of this chapter, as shall be reasonably necessary for the determination and collection of the state horse wagering fee. The department of revenue of the state (or other collecting department or agency of the state) may require a bond with surety acceptable to it in an amount determined by it to be sufficient to cover the maximum liability for the state horse wagering fee that may at any time be incurred by an operator. All installments of the state horse wagering fee collected by the department of revenue shall be deposited in the state treasury to the credit of the state general fund.

The legislature hereby finds and determines that the state horse wagering fee authorized by this chapter is the maximum license fee or equivalent tax or charge which can be levied by the state against horse racing or pari-mutuel wagering thereon without impairing the economic viability of horse racing and lessening its contribution to increased employment and tourism in the state. No state racing commission shall have the power to increase the state horse wagering fee above the limits provided in this chapter, to impose the state horse wagering fee for any period not herein authorized, or to levy or impose any additional license fee or equivalent tax or charge against horse racing or pari-mutuel wagering thereon conducted under the provisions of this chapter."

Section 25. Commission Wagering Fees. Section 11-65-30, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-30. Commission wagering fees.

(a) Each horse racing operator shall pay to the treasurer of the commission licensing such operator a commission horse wagering fee for each calendar year during which it conducts any horse racing events. The amount of the commission horse wagering fee for an operator for a given calendar year shall be equal to the sum of (i) two percent of the horse racing handle of such operator for such calendar year to the extent that such handle does not exceed \$150,000,000.00 and (ii) four percent of the portion of the horse racing handle of such operator for such calendar year that exceeds \$150,000,000.00. Each operator shall make payment of its commission horse wagering fee for each calendar year to the treasurer of the licensing commission in monthly installments. For each calendar year, the monthly installment referable to any month (other than the month during which the final racing event for such

calendar year shall be conducted) shall be equal to two percent of the horse racing handle for such month. The monthly installment referable to the month during which the final racing event for any such calendar year shall be conducted shall be equal to the sum of (i) two percent of the horse racing handle for such month and (ii) two percent of the portion of the aggregate horse racing handle for such calendar year in excess of \$150,000,000.00. The installment of the commission horse wagering fee referable to any calendar month shall be paid to the treasurer of the ~~appropriate~~ commission prior to the end of the next succeeding calendar month.

(b) If at any time during a calendar year the aggregate horse racing handle of an operator for such calendar year exceeds \$150,000,000.00, then such operator shall, in order to assure the availability of the moneys required to pay the final installment of its commission horse wagering fee for such calendar year, set aside and invest moneys in an amount equal to two percent of the portion of such aggregate horse racing handle in excess of \$150,000,000.00 in investments of the kind in which the funds of a commission are permitted by section 11-65-9 hereof to be invested by its treasurer. Any such investments acquired by an operator shall be held by it in trust for the benefit of the commission licensing such operator in order to secure the payment of the commission horse wagering fee, but the operator shall be entitled to any interest earned from such investments until the due date of the final installment of the commission horse wagering fee for such calendar year.

(c) Each greyhound operator shall pay to the treasurer of the commission licensing such operator a commission greyhound wagering fee for each calendar year during which it conducts any greyhound racing events. The amount of the commission greyhound wagering fee for a greyhound racing operator for a given calendar year shall be determined as follows:

(1) For the period beginning with the commencement of greyhound racing by such operator pursuant to a license granted by the commission and ending ten years after the end of the calendar year in which such greyhound racing first commences, the amount of the commission greyhound wagering fee in each calendar year shall be equal to the sum of (i) two percent of the greyhound racing handle of such operator for such calendar year to the extent that such handle does not exceed \$150,000,000.00 and (ii) four percent of the portion of the greyhound racing handle of such operator for such calendar year that exceeds \$150,000,000.00; and

(2) For the period beginning ten years after the end of the

calendar year in which such operator first commences greyhound racing pursuant to a license granted by the commission and continuing with each calendar year thereafter, the amount of the commission greyhound wagering fee in each calendar year shall be equal to the sum of (i) two percent of the greyhound racing handle of such operator for such calendar year to the extent that such handle does not exceed \$150,000,000.00, (ii) six percent of the portion of the greyhound racing handle of such operator for such calendar year that exceeds \$150,000,000 but does not exceed \$300,000,000.00 and (iii) four percent of the portion of the greyhound racing handle of such operator for such calendar year that exceeds \$300,000,000.00.

Each operator shall make payment of its commission greyhound wagering fee for each calendar year to the treasurer of the licensing commission in monthly installments. For each calendar year, the monthly installment referable to any month (the "subject month") shall be determined in accordance with the following procedure: first, determine whether, as a result of the passage of time from the commencement of greyhound racing by such operator, the provisions of subdivision (c)(1) or (c)(2) of this section 11-65-30 apply to such calendar year; second, determine the cumulative amount of the greyhound racing handle of such operator for the months of such calendar year preceding the subject month; third, determine the amount of the greyhound racing handle of such operator for the subject month; fourth, using the cumulative amount of the handle for the preceding months as a benchmark, allocate the handle for the subject month among the annual brackets specified in subdivision (c)(1) or (c)(2), whichever is applicable; and fifth, calculate the commission greyhound wagering fee for the subject month by applying the percentage applicable to each bracket to the portion of the handle for the subject month allocated to such bracket. The installment of the commission greyhound wagering fee referable to each calendar month shall be paid to the treasurer of the commission prior to the end of the next succeeding calendar month.

The legislature hereby finds and determines that the commission wagering fee authorized by this chapter is the maximum license fee or equivalent tax or charge which can be levied by a commission or by any political subdivision of the state against horse racing or pari-mutuel wagering thereon without impairing the economic viability of horse racing and lessening its contribution to increased employment and tourism in the state. No commission shall have the power to increase the commission horse wagering fee or the commission greyhound wagering fee above the limits provided in this chapter or to levy or impose any additional license fee or equivalent tax or charge against horse racing or greyhound racing and pari-mutuel wagering thereon conducted under the provisions of this chapter."

Title 11, Code of Alabama 1975, is hereby amended by adding thereto the following new section 11-65-30A:

"§ 11-65-30A. Commission greyhound racing days.

(a) During each calendar year, a greyhound racing operator shall be required to designate three racing days ("commission racing days") on which such operator will conduct a performance or program of greyhound racing and will pay to the commission the "gross profit" (as hereafter defined in this section) derived by the operator on such days from greyhound racing and pari-mutuel wagering thereon, including the sale of food, drink, programs and other items to the public in attendance and charges made for parking. In the event that a greyhound racing operator conducts greyhound racing for only part of a calendar year, one racing day shall be required for each period of four months or portion thereof in which such operator conducts greyhound racing during such calendar year. A greyhound racing operator shall be required to designate and conduct four commission racing days in any calendar year, beginning with the calendar year next succeeding the first full calendar year of greyhound racing conducted by an operator under license from the commission, with respect to which the greyhound racing handle in the next preceding year was less than \$150,000,000.00. The commission racing days designated by the greyhound racing operator shall be subject to approval by the commission, which approval shall not be unreasonably withheld. The commission racing days shall be spaced at intervals during the calendar year so that all will not occur in the same calendar season. The greyhound racing operator will give written notice to the commission of the commission racing days proposed for a calendar year not later than 30 days after the beginning of such calendar year. The commission may approve the proposed commission racing days or make a counter proposal to the greyhound racing operator for different days and, in connection therewith, shall state its reasons for desiring different days. If the commission's counter proposal is not acceptable to the greyhound racing operator, the commission and the operator shall negotiate in good faith to determine mutually acceptable commission racing days for the current calendar year, but if agreement cannot be reached as the year continues, the operator shall be released from the obligation to hold one commission racing day for every four months that elapse from the beginning of such year (or one commission racing day for every three months in calendar years entitled to four commission racing days). The commission shall be prohibited from taking any regulatory action with respect to the greyhound racing operator for the purpose of coercing agreement on commission racing days demanded by the commission.

(b) As used with reference to a commission racing day, the term

"gross profit" shall mean the amount computed by taking all revenues derived by the greyhound racing operator from greyhound racing conducted on such day (including the authorized "takeout" deductions from pari-mutuel pools, the proceeds from the sale of food, drink, programs and other goods to the public in attendance, and parking charges) and deducting therefrom the sum of the following:

(1) the actual operating costs of the greyhound racing operator on such commission racing day, which costs shall be those incurred for greyhound purses, direct labor, the costs of food, drink and other merchandise sold on such day and other costs incurred solely by reason of opening and operating the racing facility and shall not be deemed to include costs that are constant from day to day and would have been incurred by the operator had greyhound racing not been conducted on such day, including, but not limited to, such costs as capital expenditures, interest on debt, property taxes, insurance and other items of fixed expense determined in accordance with generally accepted accounting principles;

(2) the state dog racing privilege tax and the commission greyhound wagering fee applicable to pari-mutuel wagering conducted on such commission racing day;

(3) the general sales taxes payable to the state, the sponsoring municipality and the host county for food, drink and other merchandize sold by the greyhound racing operator on such commission racing day, admission fees for such day payable to the sponsoring municipality pursuant to section 11-65-33, and other taxes and fees, if any, payable to other governmental entities with respect to activities conducted on such commission racing day; and

(4) the rent, calculated as a percentage of the greyhound racing handle, which the greyhound racing operator may be obligated to pay any owner or lessee of the racing facility with respect to such commission racing day, it being expressly provided that the operator shall not absorb such rent in determining the gross profit and that it will be deducted from the operating revenues in calculating gross profit unless the operator's obligation for such rent on such commission day is waived or released by the party having the power to do so.

Any horse racing operator conducting a commission racing day shall remit the gross profits of such day to the treasurer of the commission prior to the end of the month next succeeding that month in which the commission racing day occurs. Such payment shall be accompanied by supporting financial information showing the calculation of the gross profits, including revenues and allowable costs by appropriate category.

(c) All revenues derived by a commission from a commission racing day, including both the gross profits and the commission greyhound wagering fee referable to such day, shall, in the discretion of the commission, be included in the net commission revenues and disbursed in accordance with the provisions of section 11-65-36 or, alternatively, sequestered in a separate fund, against which no charge shall be allowed for any part of the commission's operating expenses, and disbursed to one or more public or governmental entities or nonsectarian charitable organizations (i.e., organizations described in section 501(c)(3) of the Internal Revenue Code of 1986) that were identified as beneficiaries of such revenues prior to the date of such commission racing day. The commission shall adopt appropriate rules and regulations for evaluating and selecting public entities or charitable organizations to be beneficiaries of commission racing days."

Section 27. Purses for Horse Races and Greyhound Races. Section 11-65-31, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-31. Purses for horse races and greyhound races.

From the moneys deposited in pari-mutuel pools for horse races which are not distributed to the holders of winning tickets, constitute the "takeout" deducted by a horse racing operator pursuant to section 11-65-28(b), each horse racing operator shall apply an amount equal to seven percent of its total horse racing handle to provide purse moneys for horse races conducted by such operator. Prior to the commencement of any race meeting, the horse racing operator conducting such meeting shall estimate the amount of its horse racing handle to be derived from such meeting. Based upon such estimate, the horse racing operator shall adopt a schedule providing for a reasonable allocation of purse moneys over the period of the anticipated race meeting. Any such schedule may be amended from time to time during the course of a race meeting if it becomes apparent that the operator's actual horse racing handle for such race meeting will not match its original estimate.

Each horse racing operator shall provide the commission licensing such operator with periodic reports respecting the amounts applied by such operator to provide purse moneys for horse races. If at the close of any race meeting it is determined that the operator conducting such meeting failed to apply an amount equal to seven percent of its horse racing handle for such meeting to provide purse moneys, then any excess shall be deducted from, and any deficiency shall be added to, the amount which such operator is shall be required to provide as purse moneys for horse races conducted as part of its next succeeding race meeting.

The amount of purses to be paid with respect to greyhound races conducted by any greyhound racing operator shall be determined by such operator through negotiation with the kennel owners providing the greyhounds for such races. Nothing contained in this chapter shall be construed to require, or to permit the commission by regulation or order to require, any minimum level of purses for greyhound racing, whether based on a percentage of the greyhound racing handle or any other benchmark, or to limit, or to permit the commission by regulation or order to limit, the amount that a greyhound racing operator may agree to pay for such purposes."

Section 28. Televised Simulcast Programming of Racing Events.  
Section 11-65-32, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-32. ~~Television or radio transmission~~ Televised simulcast programming of racing events.

(a) ~~Each~~ A commission shall have the power to adopt rules and regulations specifying the conditions under which an operator, as part of its licensed activity, may cause ~~television or radio coverage~~ televised simulcast programming of racing events, including both horse racing and greyhound racing, held at racetracks located outside the state ~~may~~ to be transmitted for public viewing to a racetrack facility~~ies~~ within the sponsoring municipality which ~~are~~ is under the jurisdiction of such commission and there made the ~~object~~ subject of pari-mutuel wagering. Any provision of this chapter or any other law to the contrary notwithstanding, no racing events, including both horse racing and greyhound racing, held at any location in the state (including a location in the sponsoring municipality) shall be televised to a racing facility subject to this chapter and made the subject of pari-mutuel wagering at such racing facility; provided, however, that an operator may use closed circuit television at a racing facility to provide enhanced viewing opportunities for live races being simultaneously run at such facility or to provide reruns of such live races. Subject to such exceptions as a commission may approve by rule or regulation in order to satisfy applicable requirements of federal law, all pari-mutuel wagering with respect to such racing events that are the subject of ~~television or radio coverage~~ televised simulcast programming shall be subject to the provisions of this chapter and the rules and regulations of such commission governing pari-mutuel wagering on live racing events conducted at racing facilities ~~racetracks~~ under the jurisdiction of such commission, including the provisions of sections 11-65-28, 11-65-29 and 11-65-30 hereof. A commission shall be entitled to no revenues from the televised simulcast programming of racing events other than (i) the commission horse wagering fee due with respect to that part of the horse racing handle

wagered on televised horse racing events by bettors placing their bets at a racing facility in the commission municipal jurisdiction and (ii) the commission greyhound wagering fee due with respect to that part of the greyhound wagering handle wagered on televised greyhound racing events by bettors placing their bets at a racing facility in the commission municipal jurisdiction.

(b) If permitted by federal law and made possible by contractual arrangements with the operator of the racetrack that originates the simulcast programming, a horse racing operator may conduct pari-mutuel wagering on horse racing events televised to a racetrack facility in the commission municipal jurisdiction from locations outside the state. In such case the pari-mutuel pools for such wagering may be limited to bets made by bettors placing their bets at the racing facility located in the commission municipal jurisdiction or, alternatively, such pari-mutuel pools may include bets made by bettors placing their bets at the racetrack which conducts the televised horse racing events, as well as bets made by bettors placing their bets at one or more locations outside the state; provided that to the extent bettors placing their bets at a racing facility located in the commission municipal jurisdiction shall participate in such pari-mutuel pools, the total amount wagered by such bettors shall be administered in accordance with the provisions of section 11-65-28 and the applicable rules and regulations of the commission and, provided further, that the state horse wagering fee and the commission horse wagering fee, as well as any other license taxes on pari-mutuel wagering that may at the time be applicable in the state or the commission municipal jurisdiction, shall be paid with respect to the total amount wagered by such bettors, as provided by this chapter or other applicable law.

(c) If permitted by federal law and made possible by contractual arrangements with the operator of the racetrack that originates the simulcast programming, a greyhound racing operator may conduct pari-mutuel wagering on greyhound racing events televised to a racetrack facility in the commission municipal jurisdiction from other locations outside the state. In such case the pari-mutuel pools for such wagering may be limited to bets made by bettors placing their bets at the racing facility located in the commission municipal jurisdiction or, alternatively, such pari-mutuel pools may include bets made by bettors placing their bets at the racetrack which conducts the televised greyhound racing events, as well as bets made by bettors placing their bets at one or more locations outside the state; provided that to the extent bettors placing their bets at a racing facility located in the commission municipal jurisdiction shall participate in such pari-mutuel pools, the total amount wagered by such bettors shall be administered in accordance with the provisions of section 11-65-28 and the applicable rules and regulations of the



commission and, provided further, that the state dog racing privilege tax and the commission greyhound wagering fee, as well as any other license taxes on pari-mutuel wagering that may at the time be applicable in the state or the commission municipal jurisdiction, shall be paid with respect to the total amount wagered by such bettors, as provided by this chapter or other applicable law.

(d) Each A commission shall also have the power to adopt rules and regulations specifying the conditions under which an operator, as part of its licensed activity, may cause televised simulcast programming ~~television or radio coverage~~ of racing events, including both horse racing and greyhound racing, held at a racetracks facility under the jurisdiction of such commission may to be either (1) (i) transmitted on a live or delayed basis by a commercial television or radio station or network for the entertainment of the public or (2)(ii) transmitted to specific locations outside the state in other states for the purpose of pari-mutuel wagering at such locations: provided that, any provision of this chapter or any other law to the contrary notwithstanding, no racing events, including both horse racing and greyhound racing, shall be televised from a racing facility subject to this chapter to any other location in the state (including a location in the sponsoring municipality) and made the subject of pari-mutuel wagering at such other location.

(e) A horse racing operator may televise horse racing events under the jurisdiction of a commission to locations outside the state and, in connection therewith, may create and administer pari-mutuel pools for wagering on such horse racing events which, in addition to bets made by bettors placing their bets at the racing facility of such operator in the commission municipal jurisdiction, shall include bets made by bettors placing their bets at one or more of such locations to which such horse racing events are televised; subject, however, to the following conditions: (i) the simulcast programming and televising of horse racing events from any racing facility under the jurisdiction of a commission shall be subject to the rules and regulations of the commission; (ii) to the extent that bettors placing their bets at the racing facility under the jurisdiction of the commission participate in such pari-mutuel pools, the total amount wagered by such bettors shall be administered in accordance with the provisions of section 11-65-28 and the applicable rules and regulations of the commission; (iii) the state horse wagering fee and the commission horse wagering fee shall be paid as provided in this chapter with respect to the total amount wagered by bettors placing their bets at a racing facility in the commission municipal jurisdiction; and (iv) the commission horse wagering fee and the state horse wagering fee shall not be applicable to amounts contributed to such pari-mutuel pools by bettors placing their bets at locations outside the state.

(f) A greyhound racing operator may televise greyhound racing events under the jurisdiction of a commission to locations outside the state and, in connection therewith, may create and administer pari-mutuel pools for wagering on such greyhound racing events which, in addition to bets made by bettors placing their bets at the racing facility of such operator in the commission municipal jurisdiction, shall include bets made by bettors placing their bets at one or more of such locations to which such greyhound racing events are televised; subject, however, to the following conditions: (i) the simulcast programming and televising of greyhound racing events from any racing facility under the jurisdiction of a commission shall be subject to the rules and regulations of the commission; (ii) to the extent that bettors placing their bets at the racing facility under the jurisdiction of the commission participate in such pari-mutuel pools, the total amount wagered by such bettors shall be administered in accordance with the provisions of section 11-65-28 and the applicable rules and regulations of the commission; (iii) the state dog racing privilege tax and the commission greyhound wagering fee shall be paid as provided in this chapter with respect to the total amount wagered by bettors placing their bets at a racing facility in the commission municipal jurisdiction; and (iv) the state dog racing privilege tax and the commission greyhound wagering fee shall not be applicable to amounts contributed to such pari-mutuel pools by bettors placing their bets at locations outside the state.

(g) Nothing contained in this section or any other provision of this chapter shall be construed to authorize or make lawful "off-track betting" or wagering or gambling of any kind at any location in the state other than the pari-mutuel facilities located at racetrack facilities where live racing is licensed by a commission. All laws of the state, whether local or general, and all ordinances of political subdivisions thereof, that prohibit, restrict or regulate wagering or gambling of any kind outside the commission municipal jurisdiction shall not be affected by this chapter, as amended, and shall remain in full force and effect, it being expressly provided and understood that this chapter shall permit, subject to the conditions herein provided, pari-mutuel wagering on racing events only at a racing facility located in a sponsoring municipality where live horse racing or greyhound racing is licensed by a commission.

Section 29. Racetrack Admission Fee. Section 11-65-33, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-33. Racetrack admission fee.

The governing body of a sponsoring municipality may by ordinance impose a fee on an operator licensed ~~hereunder to conduct a race meeting of~~ under this chapter to conduct either horse racing or grey-

hound racing in an amount equal to \$.25 on the admission of each person paying for admission to any daily performance of horse racing or greyhound racing. The operator may collect such the amount of such fee from the ticket purchaser in addition to the amount charged for the ticket of admission. on each day of such meeting, except those p Persons holding valid permits issued by a commission who are under this chapter and actually employed at a racing facility under the jurisdiction of such commission and spectators holding complimentary passes issued by an operator shall be exempt from the admission fee authorized by this section. such track in the capacities for which such permits were issued."

Section 30. Horse Breeding Fund. Section 11-65-34, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-34. Horse Breeding fund.

Each commission shall establish a special fund to promote the breeding, raising and racing of ~~thoroughbred and standardbred~~ horses in the state, which shall be known as "~~4~~The \_\_\_\_\_ [name of the sponsoring municipality] ~~r~~Racing ~~c~~Commission ~~b~~Breeding and ~~d~~Development ~~f~~Fund." Each horse racing operator shall pay to its licensing commission a breeding fund fee for each month during which it conducts any horse racing events. For each horse racing operator, the breeding fund fee for any month shall be an amount equal to one-half of one percent [or, in the case of any such fee referable to any month during the period of three years immediately following such operator's receipt of an operator's license, one-quarter of one percent] of the horse racing handle for such operator for such month. The breeding fund fee payable by ~~an~~ a horse racing operator for a given month shall be paid to the treasurer of the commission licensing ~~governing~~ such operator before the end of the succeeding month. All breeding fund fees received by a commission shall be deposited into its breeding fund.

Twenty percent of the aggregate amount of breeding fund fees received by each commission in each calendar year shall be set aside for distribution to the schools of veterinary medicine of Auburn University and Tuskegee Institute. Each commission shall distribute the moneys so set aside on such schedule as shall be administratively reasonable and convenient, but in any event all such moneys referable to the breeding fund fees received in any calendar year shall be distributed not later than 60 days after the end of such calendar year. Each commission shall divide the 20 percent of the breeding fund fees required to be set aside for the schools of veterinary medicine at Auburn University and Tuskegee Institute between such schools in an equitable manner, taking into account the number of students served by each school, the financial

needs of each school to maintain accepted academic standards, the nature and quality of equine research conducted at each such school and such other factors as such commission shall deem relevant in the circumstances; provided, however, that neither of such schools of veterinary medicine shall receive less than 25 percent of the total amount required to be set aside by the provisions of this paragraph in any calendar year. All moneys distributed to the schools of veterinary medicine at Auburn University or Tuskegee Institute pursuant to this paragraph shall be used exclusively for supportive research on the health and diseases of the horse.

Each commission shall adopt rules and regulations governing the maintenance and administration of its breeding fund and the disbursement of the moneys deposited therein, provided that such moneys may be used only for the purposes specified in the next preceding paragraph of this section and for the following additional purposes:

(1) To provide awards to breeders and owners of Alabama-bred ~~thoroughbred or standardbred~~ horses finishing first, second, third or fourth in pari-mutuel races run in the state;

(2) To provide awards to stallion owners whose Alabama stallions have sired Alabama-bred ~~thoroughbred or standardbred~~ horses finishing first, second, third or fourth in pari-mutuel races run in the state;

(3) To provide purse moneys for races conducted exclusively for Alabama-bred ~~thoroughbred or standardbred~~ horses under conditions which have been approved by such commission;

(4) To advance and promote the breeding and raising of ~~thoroughbred and standardbred~~ horses in the state by the publication and dissemination of information relating thereto;

(5) To promote equine research through grants to universities within the state; and

(6) To provide for the administration and management of such breeding fund.

Nothing contained in this chapter shall be construed to obligate any greyhound racing operator to pay any amount referable to the greyhound racing handle as a breeding fund fee."

Section 31. Concerning Certain Taxes. Section 11-65-35, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-35. Concerning certain taxes. Exemption of pari-mutuel wagering from certain taxes.

The state horse wagering fee, the commission horse wagering fee and any other fees or taxes imposed by this chapter on pari-mutuel wagering shall constitute be in lieu of all license, privilege and excise taxes that may be imposed on horse racing and pari-mutuel wagering thereon conducted pursuant to this chapter, and no other license or excise tax may be imposed on such activities by the state or any county, municipality or other political subdivision thereof; ~~provided, however, that this section~~ The state dog racing privilege tax, the commission greyhound wagering fee and any other fees or taxes imposed by this chapter shall constitute all license, privilege and excise taxes that may be imposed on greyhound racing and pari-mutuel wagering thereon conducted pursuant to this chapter, and no other license, privilege or excise tax may be imposed on such activities by the state or any county, municipality or other political subdivision thereof. Nothing in this chapter, however, shall not be construed to confer any exemption with respect to any uniform taxes levied generally on property, income or business activity, including, without limitation, (1) income taxes levied by the state, (2) occupational taxes levied on wages by a sponsoring municipality or host county, (3) ad valorem taxes levied on any racing facility at the same rates as are applicable to other commercial property having comparable market value, and (4) state and local sales taxes on merchandise sold by operators or their concessionaires at racing events."

Section 32. Application of Net Commission Revenues. Section 11-65-36, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-36. Application of net commission revenues.

All commission horse wagering fees, commission greyhound wagering fees and other fees, commissions and moneys, including fines and forfeitures, to which a commission shall be entitled under the provisions of this chapter shall be paid to the treasurer of such commission and shall be deposited by said treasurer to the account of such commission. Except for the gross profits of any commission racing day and the commission greyhound wagering fee referable to greyhound racing on such day that may be set aside for specific public entities or charitable organizations pursuant to section 11-65-30A(c), All such moneys to which a commission shall be entitled that remaining after (i) the payment of all expenses incurred in the administration of this chapter, including (without limitation thereto) the payment of the salaries and expenses of the members and employees of such commission and (ii) the deposit into the breeding fund of all amounts required by section 11-65-34 hereof to be deposited therein shall be allocated and paid not less frequently than once each calendar year as follows:

(1) ~~Eighteen~~ Nineteen percent of the net commission revenues shall be allocated to the sponsoring municipality; ~~subject to the condition that five percent of the amount so allocated shall be contributed to the general employees' pension fund of the sponsoring municipality for the purpose of providing cost-of-living increases in pension benefits;~~ provided however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, of the amount allocated to such municipality a sum equal to one percent of the net commission revenues shall be set aside for the retired employees of such municipality and shall be paid to the trustees of such municipality's retirement system for distribution to such retired employees once a year, during the Christmas season if practicable, with an equal amount to be paid to each retired employee irrespective of the amount of his or her regular retirement benefits, the length of his or her employment by such municipality before retirement, or any other factor;

(2) Ten percent of the net commission revenues shall be allocated in total to the county or counties in which the sponsoring municipality or any part thereof shall be located, subject to the conditions that

a. If the sponsoring municipality is located in more than one county, the portion of the said 10 percent of net commission revenues allocated to each such county shall be determined in proportion to the population of the sponsoring municipality residing in such county as determined by the most recent federal decennial census,

b. One-half of the amount of net commission revenues allocated to any county shall be used for countywide purposes (including both incorporated and unincorporated areas) in such manner as shall be determined by the governing body of such county, and

c. One-half of the amount of net commission revenues allocated to any county shall be used to defray the cost of governmental operations conducted in the unincorporated parts of such county or shall otherwise be used for the exclusive benefit of the unincorporated parts of such county in such manner as shall be determined by the governing body thereof;

(3) If the board of trustees of the University of Alabama operates a college, graduate school, extension center or other educational facility located in any county in which the sponsoring municipality or any part thereof shall be located, nine percent of the net commission revenues shall be allocated to the board of trustees of the University of Alabama, subject to the conditions that

a. Such amount shall be used exclusively in the county or counties in which the sponsoring municipality or any part thereof shall be located;

b. One-twelfth of the amount of net commission revenues allocated to the board of trustees of the University of Alabama shall be used for the support of any programs operated for the correction or treatment of learning disorders of any kind or research into the causes of such disorders, and if no such programs are operated by the board of trustees of the University of Alabama in the county or counties in which the sponsoring municipality or any part thereof shall be located, such portion of the net commission revenues shall be used in such county or counties for such other purposes or programs as may be determined by said board of trustees, and

c. One-twelfth of the amount of net commission revenues allocated to the board of trustees of the University of Alabama shall be used for the support of any programs or laboratories operated for research in virology, and if no such programs or laboratories are operated by the board of trustees of the University of Alabama in the county or counties in which the sponsoring municipality or any part thereof shall be located, such portion of the net commission revenues shall be used in such county or counties for such other purposes or programs as may be determined by said board of trustees;

(4) Three percent of the net commission revenues shall be allocated in total to Jefferson State Community College; ~~public junior colleges (other than any public junior colleges described in subdivision (5) of this section) located in the county or counties in which the sponsoring municipality or any part thereof shall be located; and if there shall be more than one of such public junior colleges, the said three percent of the net revenues shall be apportioned equally among such colleges;~~

(5) ~~Two~~ Three percent of the net commission revenues shall be allocated in total to Lawson State Community College; ~~public junior colleges which are located in the county or counties in which the sponsoring municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities; and if there shall be more than one of such public junior colleges, the said two percent of the net revenues shall be apportioned equally among such colleges;~~

(6) Two percent of the net commission revenues shall be allocated in total to public technical colleges located in the county or counties in which the sponsoring municipality or any part thereof shall be located;

provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, the two percent of the net commission revenues referred to in this paragraph shall be allocated in its entirety to Bessemer State Technical College; and if there shall be more than one of such public technical colleges, the said two percent of the net revenues shall be apportioned equally among such colleges;

(7) ~~Two~~ One percent of the net commission revenues shall be allocated to any public corporation or authority which provides public transportation in an area including the sponsoring municipality;

(8) Seventeen percent of the net commission revenues shall be allocated in total to all county, municipal, district or other public school systems operating primary and/or secondary schools in any county or counties in which the sponsoring municipality shall be located; and if there shall be more than one of such school systems, the said ~~17~~ seventeen percent of the net commission revenues shall be allocated to such school systems in proportion to their average daily attendance during the most recently completed school year;

(9) If any incorporated municipalities other than the sponsoring municipality are located in the county or counties in which the sponsoring municipality or any part thereof shall be located, ~~six~~ four and one-half percent of the net commission revenues shall be allocated in total to such other municipalities; and if there shall be more than one of such municipalities, the said ~~six~~ four and one-half percent of the net commission revenues shall be allocated to such municipalities in proportion to their population as determined by the most recent federal decennial census;

(10) ~~Five and one-half~~ Four percent of the net commission revenues shall be allocated in total to any public fire districts or volunteer fire departments organized and operating in the county or counties in which the sponsoring municipality or any part thereof shall be located; and if there shall be more than one of such fire districts or volunteer fire departments, the said ~~five and one-half~~ four percent of the net commission revenues shall be allocated as follows: Among such fire districts and volunteer fire departments in proportion to the approximate number of single family residences and other buildings provided fire protection thereby, which number in the case of a public fire district shall be the paid membership thereof and in the case of a volunteer fire department shall be a census of the number of protected residences and other buildings confirmed by affidavit of the chief executive of such volunteer fire department-;

(11) Two percent of the net commission revenues shall be



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allocated in total to any hospitals which are owned by any county, municipality or public corporation or authority, ~~and which are located in the county or counties in which the sponsoring municipality shall be located and which serve predominantly poor and indigent patients;~~ and if there shall be more than one of such hospitals, the said two percent of the net commission revenues shall be allocated to such hospitals in proportion to their average patient census during the most recently completed annual period selected by the commission for the purpose of making such allocation;

~~(12) One-half of one percent of the net revenues shall be allocated in total to any public authority or corporation at any time created by law to alleviate or solve, or to assist in the alleviation or solution of, flooding problems caused by creeks in the sponsoring municipality and host county as the result of heavy rainfall; and if no such authority or corporation shall be in existence at the time of any allocation required to be made pursuant to this subdivision, such allocation shall be made to the sponsoring municipality for use in alleviating or solving such flooding problems, provided that the sponsoring municipality may use such allocation for other purposes if its governing body shall determine that no such flooding problems occur in the sponsoring municipality;~~

~~(12)(13) One and one-half percent of the net commission revenues shall be allocated to the Tannehill fFurnace and fFoundry cCommission established pursuant to sections 41-9-320 through 41-9-330;~~

~~(14) One-half of one percent of the net revenues shall be allocated in total to the civil defense department at the time and from time to time maintained or administered by the sponsoring municipality;~~

~~(13)(15) One-half of one percent of the net revenues shall be allocated to the Alabama sState fFair aAuthority established pursuant to Act No. 215 enacted at the 1947 regular session of the legislature of Alabama; and~~

~~(14) One-half of one percent of the net commission revenues shall be allocated in total to public bodies that operate art museums in the sponsoring municipality; provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, the one-half of one percent of the net commission revenues referred to in this paragraph shall be allocated in its entirety to the Birmingham Museum of Art; and~~

~~(15)(16) If and to the extent that the allocations of net commission revenues described in this paragraph subdivision (15) can be lawfully made to recipients satisfying the applicable conditions as herein set forth,~~

the commission shall allocate and disburse the following percentages of the net commission revenues for the following purposes:

a. Three percent of the net commission revenues shall be allocated in total to private, not-for-profit colleges which are located in the host county outside the corporate limits of the sponsoring municipality in any incorporated or unincorporated part of any county in which the sponsoring municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities;

b. Three percent of the net commission revenues shall be allocated in total to private, not-for-profit law schools which are located in the host county outside the corporate limits of the sponsoring municipality in any incorporated or unincorporated part of any county in which the sponsoring municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities; ~~it being expressly provided that the receipt by a college of any amount pursuant to the provisions of paragraph a. of this subdivision (16) shall not disqualify any law school affiliated with such college from receiving any amount for which such law school would otherwise qualify pursuant to the provisions of this subparagraph;~~ provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, the three percent of the net commission revenues referred to in paragraph a. of this subdivision (15) shall be allocated in its entirety to Miles College and the three percent of the net commission revenues referred to in this paragraph b. shall be allocated in its entirety to the Law School of Miles College;

c. ~~One-half of one percent of the net revenues shall be allocated in total to private, not-for-profit colleges which are located in the sponsoring municipality and the student enrollment of which is predominantly drawn from economically disadvantaged minorities;~~

d. ~~One percent of the net revenues shall be allocated in total to not-for-profit organizations, whether public or private, which operate in any county in which the sponsoring municipality or any part thereof shall be located and which promote, undertake or otherwise assist the career orientation, training and employment of persons belonging to economically disadvantaged minorities;~~

c. e. One percent of the net commission revenues shall be allocated in total to not-for-profit organizations, whether public or private, that are located in the sponsoring municipality and that promote economic development in the sponsoring municipality and the

surrounding metropolitan area; provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, the one percent of the net commission revenues referred to in this paragraph shall be allocated in its entirety to the Metropolitan Development Board;

d.f. Five Six percent of the net commission revenues shall be allocated in total to private not-for-profit hospitals located in the sponsoring municipality that primarily provide care for children;

e.g. One Two percent of the net commission revenues shall be allocated in total to not-for-profit organizations, whether public or private, which are located in any county in which the sponsoring municipality or any part thereof shall be located and which sponsor, promote or conduct research and education related to the cure or control of sickle cell anemia or provide treatment or other aid for victims of that disease;

~~f.h. Subject to the provisions of paragraph i. of this subdivision,~~  
One and one-half percent of the net commission revenues shall be allocated in total to not-for-profit organizations (including any particular branch thereof) which are located in the sponsoring municipality (including, without limitation thereto, organizations such as the Young Men's Christian Association, and the Young Women's Christian Association) and which provide educational and recreational activities for young persons predominantly belonging to economically disadvantaged minorities; provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, one percent of the net commission revenues referred to in this paragraph shall be allocated to Partners in Neighborhood Growth and the remaining one-half percent of the net commission revenues referred to in this paragraph shall be allocated to the Fourth Avenue Center of the Young Men's Christian Association;

~~i. The provisions of paragraph h. of this subdivision to the contrary notwithstanding, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the city of Birmingham, then, and in such case, one-half of one percent of the net revenues of such commission shall be deducted from the amount to be allocated pursuant to the said paragraph h. and shall instead be allocated to partners in neighborhood growth for use in providing recreational or educational activities for young persons;~~

~~j. One and one-half percent of the net revenues shall be allocated in total to not-for-profit organizations (including particularly any research development and scholastic assistance fund), whether public or~~

~~private, which are located in any county in which the sponsoring municipality or any part thereof shall be located and which promote and encourage scientific or technical research or education at the secondary and college levels by any means, including (without limitation thereto) financial assistance to schools and students, the development of improved curricula, and the training of teachers; provided, however, that if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the city of Birmingham, then, and in such case, the one and one-half percent of the net revenues of such commission referred to in this paragraph shall be allocated in its entirety to the research, development and scholastic assistance fund for science and technology, inc., a private, not-for-profit corporation organized under the laws of Alabama;~~

~~g.k.~~ One percent of the net commission revenues shall be allocated to the local chapter or affiliate of The National Urban League that is based in the sponsoring municipality;

~~h.l.~~ One percent of the net commission revenues shall be allocated to the local chapter or affiliate of the United Cerebral Palsy Association, Inc. that is based in the sponsoring municipality;

~~m.~~ One-half of one percent of the net revenues shall be allocated in total to private, not-for-profit organizations which are located in the sponsoring municipality and which sponsor and promote ballet and similar forms of the art of dance by any means, including the training of dancers and the giving of performances; and

~~n.~~ One-half of one percent of the net revenues shall be allocated in total to not-for-profit organizations which are located in the sponsoring municipality and which assist and coordinate the activities of artists or groups of artists which perform or display their works within the sponsoring municipality.

i. One percent of the net commission revenues shall be allocated in total to not-for-profit organizations (including any local chapter or affiliate) which sponsor and support research for the prevention or correction of birth defects and which are located in any county in which the sponsoring municipality or any part thereof shall be located; provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the city of Birmingham, then, and in such case, the one percent of the net commission revenues referred to in this paragraph shall be allocated in its entirety to the March of Dimes Birth Defects Foundation-North Alabama Chapter;

j. One and one-half percent of the net commission revenues shall

be allocated in total to not-for-profit organizations which provide shelter, care and counselling for abused and neglected women and children and which are located in any county in which the sponsoring municipality or any part thereof shall be located; provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, one percent of the net commission revenues referred to in this paragraph shall be allocated to Prescott House, Inc. and the remaining one-half percent of the net commission revenues referred to in this paragraph shall be allocated to the Child Advocacy Center in Bessemer;

k. One percent of the net commission revenues shall be allocated in total to not-for-profit organizations which operate orphanages for abandoned or mentally disturbed children and which are located in the sponsoring municipality; provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the city of Birmingham, then, and in such case, the one percent of the net commission revenues referred to in this paragraph shall be allocated in its entirety to the Gateway Orphanage operated by Family and Child Services;

l. One-half of one percent of the net commission revenues shall be allocated to the Alabama Symphony Orchestra; and

m. One-half of one percent of the net commission revenues shall be allocated in total to not-for-profit organizations which provide shelter and care for abandoned or abused animals and which are located in the county or counties in which the sponsoring municipality or any part thereof shall be located; and if there shall be more than one county in which such an organization or organization exists, the said one-half of one percent of the net commission revenues shall be allocated among such counties in proportion to their population as determined by the most recent federal decennial census; and the amount so allocated to each county shall be apportioned among qualifying organizations in each such county in accordance with the commission's determination of need and merit, taking into account the number of animals handled by each such organization during the most recent calendar year.

Except as may herein be specifically provided otherwise, if there shall at any time exist more than one institution or organization which qualifies for a portion of any generic allocation of net commission revenues made pursuant to any of paragraphs a. through ~~a.~~ m. inclusive, of subdivision ~~(16)~~(15) of this section, then, and in such case, a commission shall apportion such allocation among all institutions or organizations which evidence to such commission (in such manner as it shall reasonably require) their respective qualifications to receive a

portion of such allocation. Any such allocation shall be apportioned among the qualifying institutions and organizations of each generic category in an equitable manner to be determined by the commission, taking into account the relative scale of activities of each qualifying institution or organization, the number of persons served thereby or other relevant factors. A commission shall have reasonable discretion in determining whether, in the light of the legislative intent, a particular institution or organization shall be entitled to an allocation of any portion of the net commission revenues pursuant to the provisions of this section.

A commission and the individual members thereof shall be fully protected against any charge of malfeasance in relying upon an opinion of the attorney general of the state of Alabama that a portion of the net commission revenues may be lawfully allocated and paid to any institution or organization pursuant to any of the provisions of subdivision ~~(16)~~(15) of this section, unless a court of competent jurisdiction shall declare invalid the allocation of net commission revenues to any such institution or organization.

If any allocation of any portion of the net commission revenues pursuant to any provision of this section cannot be made for any reason (including, without limitation thereto, the legal invalidity of the provisions of this chapter authorizing such allocation, lack of lawful authority by a commission to make such allocation, the nonexistence of any public body or any public or private institution or organization entitled to receive such allocation, or any other failure to satisfy the conditions of such allocation), then, and in such case, the failure of such allocation shall not impair the validity or effectiveness of any part of this chapter other than the provisions hereof specifically providing for such allocation, nor shall the failure of such allocation adversely affect any other allocation of net commission revenues under this chapter. Any portion of the net commission revenues that, for any reason, cannot be allocated in accordance with the specific provisions of any of subdivisions (1) through ~~(16)~~(15) of this section shall be apportioned among those governmental bodies, institutions and organizations actually receiving lawful allocations hereunder in proportion to the respective amounts of net commission revenues which would have been allocated to such governmental bodies, institutions and organizations if there had been no need to reallocate any net commission revenues that could not be allocated in accordance with the specific provisions of said subdivisions (1) through ~~(16)~~(15).

It is hereby expressly declared that the primary purpose of this chapter is to provide a means for permitting and regulating horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel

wagering thereon in Class 1 municipalities and, further, that it is not a primary purpose of this chapter to provide funds for the various governmental bodies and public or private institutions and organizations to which allocations of portions of the net commission revenues of each commission are made pursuant to this section. The legislature recognizes that one or more of such governmental bodies, institutions or organizations may not exist in the sponsoring municipality or in the surrounding county or counties, as the case may be, and that, even if the intended recipients do exist and satisfy the applicable conditions, any one or more of such allocations of the net commission revenues may fail because of legal invalidity or other reasons. The allocations of net commission revenues made pursuant to this section represent the legislative effort to confer an incidental benefit upon a wide spectrum of governmental and charitable activities, all of which may not be present in the same degree in every Class 1 municipality subject to this chapter. Therefore, the legal invalidity or other failure of one or more allocations of net commission revenues made pursuant to this section should not impair the general validity of this chapter or prevent the provisions hereof, other than those relating to the invalid or ineffective allocations, from being implemented as a coherent whole. If and to the extent that any allocation of net commission revenues made to any governmental body or any institution or organization is of such character as to cause this chapter to be a local act, it is the legislative intent that the provisions for such allocation be severed from this chapter and thereby prevented from causing this chapter to be a local act."

Section 33. Conducting Race Without License Prohibited; Wagering on Certain Races Prohibited. Section 11-65-37, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-37. Conducting race without license prohibited; wagering on certain races prohibited.

Any person who, directly or indirectly, holds any horse race or greyhound race without having procured a an operator's license as prescribed in this chapter shall be guilty of a misdemeanor. Any person wagering upon the results of such a race, except in the case of pari-mutuel wagering conducted by an operator in accordance with the provisions of this chapter, shall be guilty of a misdemeanor. Upon conviction of any of the above misdemeanors in a court of competent jurisdiction, the penalty shall be a fine of not less than \$1,000.00 ~~\$100.00~~, nor more than \$10,000.00 ~~\$1,000.00~~, or imprisonment of not less than five ten days nor more than six months, or both, such fine and imprisonment to be in the discretion of the court."

Section 34. Disqualification Due to Gambling Activities. Section

11-65-38, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-38. Disqualification due to gambling activities.

No person who engages in the practice of professional gambling on horse races or greyhound races, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practice, shall be eligible as an applicant for any horse racing facility license or any operator's license to conduct horse racing or greyhound racing and pari-mutuel wagering thereon ~~permit to own or operate a racetrack or conduct racing activities~~ under the provisions of this chapter, or to be connected ~~therewith~~ with such licensed activities in any capacity, and any corporation, partnership or other entity which has an officer, director, stockholder, partner or executive or who employs any person who engages in such practices shall likewise be ineligible as a licensee, and each commission is hereby empowered to inquire into such matters in entertaining any such application and otherwise in administering this chapter."

Section 35. Tampering with Racing Animals Prohibited. Section 11-65-39, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-39. Tampering with ~~horses~~ racing animals prohibited.

No person shall influence or have any understanding or connivance with (i) any owner, trainer, jockey, driver, groom or other person associated with or interested in any stable, horse or race in which any horse participates, or (ii) any owner, trainer, handler, groom or other person associated with or interested in any kennel, greyhound or race in which any greyhound participates, to prearrange or predetermine the results of any such horse race or greyhound race, nor shall any person stimulate or depress a horse or greyhound, for the purpose of affecting the results of a race, by use of any electrical device or any electrical equipment or by any mechanical or other device not generally accepted as regulation racing equipment, nor shall any person stimulate or depress a horse or greyhound through the administration of any drug or chemical, or knowingly enter any horse or greyhound in any race within a period of 24 hours after any drug or chemical has been administered to such horse or greyhound, for the purpose of increasing or retarding the speed of such horse or greyhound.

No person shall, except for medical purposes, administer any poison, drug, medicine or other substance to any horse or greyhound entered or about to be entered in any race, or expose such substance to a horse or greyhound with the intent that it be taken, or cause any foreign substance to be taken by or placed upon or in the body of such horse or or



greyhound, with intent to impede or increase its speed, endurance, health or physical or mental condition.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one year nor more than 10 years, or fined not less than ~~\$1,000.00~~ ~~\$5,000.00~~ nor more than ~~\$5,000.00~~ \$50,000.00 or both, in the discretion of the court."

Section 36. Transmission of Racing Information Prohibited.  
Section 11-65-40, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-40. Transmission of racing information prohibited.

With the exception of televised simulcast programming ~~television or radio coverage~~ of horse races and greyhound races authorized in accordance with section 11-65-32, it shall be unlawful for any person to transmit or communicate to another by any means whatsoever the results, changing odds, track conditions, or other information relating to any horse race or greyhound race from any racetrack in ~~any a~~ a commission municipal jurisdiction ~~sponsoring municipality~~ between the period of time beginning one hour prior to the first race of the day and ending 30 minutes after the posting of the official results of each race, as to that particular race, except this period may be reduced to permit the transmitting of the result of the last race each day not sooner than 15 minutes after the official posting of such results; provided, however, that ~~each a~~ a commission may by rule permit the immediate transmission by radio, television (other than television or radio coverage televised simulcast programming pursuant to section 11-65-32 hereof), or press wire of any pertinent information concerning feature races.

It shall be unlawful for any person to transmit by any means whatsoever racing information to any other person or relay the same to any other person by word of mouth, by signal, or by use of telephone, telegraph, radio or any other means when the information is knowingly used or intended to be used for illegal gambling purposes or in furtherance of such gambling purposes. It is the legislative intent that the improper use of instruments of communication referred to in the preceding sentence is prohibited and not the possession or lawful use of such instruments on the premises of any racing facility under the jurisdiction of a commission, and nothing contained in this chapter shall be construed to prohibit, or to authorize a commission to prohibit, the location of public telephones in or about a racing facility or the possession of portable telephones by members of the general public when attending racing events.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction, shall be imprisoned for not less than one year nor more than 10 years, or fined not less than ~~\$1,000.00~~ \$5,000.00 nor more than ~~\$5,000.00~~ \$50,000.00, or both, in the discretion of the court."

Section 37. Possession of Certain Drugs Prohibited. Section 11-65-41, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-41. Possession of certain drugs prohibited.

The possession or transportation of any drug or chemical ~~except those permitted by regulations of the appropriate commission~~ within the racing enclosure of a racing facility under the jurisdiction of a commission is prohibited ~~except upon~~ for those permitted by regulations of the commission or those justified by a bona fide veterinarian's prescription with a complete statement of uses and purposes on the container. Depending upon whether such prescription is for a horse or a greyhound, a copy thereof ~~A copy of such prescription~~ shall be filed with the stewards for horse racing or the judges for greyhound racing, as the case may be."

Section 38. Presence of Underage Persons Prohibited. Section 11-65-44, Code of Alabama 1975, is hereby amended to read as follows:

"§ 11-65-44. Presence of Wagering by underage persons prohibited.

~~No person shall wager on or conduct any wagering on the outcome of a horse race pursuant to the provisions of this chapter unless such person be 21 years of age or older. No person shall accept any wager from a person under the age of 21 years. No person under 19 years of age shall be employed for any purpose in or about a racing facility where either horse racing or greyhound racing is conducted pursuant to any license issued by a commission under the provisions of this chapter, except in a job which does not allow or require contact with members of the public engaged in wagering activities, such as the job of groom, animal exerciser, stable attendant, parking attendant or office worker. No person under 19 years of age shall be admitted to performances of horse racing or greyhound racing which are the subject of pari-mutuel wagering at any such racing facility, nor shall any person under 19 years of age be permitted to wager on any horse race or greyhound race conducted at such racing facility, nor shall any person employed by an operator accept a wager on any horse race or greyhound race from any person under 19 years of age."~~

Section 39. Repeal of Exemption From Jurisdiction of State Rac-

ing Commission. Section 11-65-45, Code of Alabama 1975, exempting a commission from the jurisdiction of a state racing commission, is hereby repealed in its entirety.

~~§ 11-65-45. Exemption from jurisdiction of state racing commission.~~

~~In the event that a state racing commission shall be created, organized or established at any time, whether before or after April 5, 1984, each commission created hereunder and all owners and operators licensed thereby shall be exempt from the jurisdiction of such state racing commission and from the force and effect of all laws providing for or relating to such state racing commission for a period beginning with April 5, 1984 and continuing until the fifth anniversary of the date on which racing events shall first be conducted under the jurisdiction of such commission created hereunder. It is hereby expressly declared that no act enacted at the session of the legislature during which this chapter is enacted or at any subsequent session shall be construed to effect a repeal or negation of the exemption conferred by this section, whether by implication or otherwise, in the absence of a provision in such act expressly repealing the provisions of this section.~~

Section 40. Limitation of Personal Liability of Commission Members and Officers. Section 11-65-46, Code of Alabama 1975, relating to county elections to approve incorporation of a commission is hereby repealed in its entirety and the following new section designated 11-65-45 shall be substituted therefor:

~~§ 11-65-46. County-wide referendum to approve pari-mutuel wagering.~~

~~Pari-mutuel wagering with respect to horse racing may not be conducted in the state within the corporate limits of any Class 1 municipality unless the conduct of such pari-mutuel wagering within such municipality shall have been approved at a referendum at which all of the qualified voters residing in the county or counties in which such municipality, or any part thereof, is located are permitted to cast votes.~~

~~In order to satisfy the requirement imposed by this section, any referendum called and held pursuant to and in accordance with the provisions of section 11-65-4 for the purpose of determining whether a commission shall be incorporated for a Class 1 municipality shall be converted into a referendum permitting participation by all qualified voters residing within the county or counties in which such municipality, or any part thereof, is located. In the event that a referendum for any municipality shall be converted to a referendum in any county or counties pursuant to this section, the conduct of pari-mutuel wagering within such municipality shall be deemed to have been approved at such~~

~~referendum for the purposes of this section only if it shall have been approved by both (i) a majority of all of the voters casting votes in such referendum and (ii) a majority of the voters casting votes in such referendum who reside in such municipality. If pari-mutuel wagering is not approved in any referendum conducted pursuant to this section, whether because of an unfavorable majority of all votes cast or because of an unfavorable majority of the votes cast by voters residing in the municipality involved, then any subsequent referendum called and scheduled by the governing body of such municipality in accordance with the provisions of section 11-65-4 may be used to satisfy the requirement of this section, but only if such referendum is converted into a referendum permitting participation by all qualified voters residing within the county or counties in which such municipality, or any part thereof, is located.~~

~~Anything contained herein to the contrary notwithstanding, the provisions of this section providing for the conduct of county-wide referenda are hereby expressly declared to be severable from the other provisions of this chapter, and if such provisions of this section shall be determined by any court of competent jurisdiction to be invalid because of any defect in the notice required to be published with respect to this chapter by sections 106 and 110 of the Constitution of Alabama, as amended, or to be invalid for any other reason, such determination shall not affect, impair or invalidate the remaining provisions of this chapter (including, without limitation, the provisions of section 11-65-4 hereof).~~

"11-65-45. Limitation of personal liability of commission members and officers.

An individual member of a commission or any officer, employee or agent thereof shall not in any way be personally liable for any liability, loss, damage or expense suffered by any person as the result of any action taken by such commission, unless such liability, loss, damage or expense arises out of or results from the willful misconduct or wrongdoing of such member, officer, employee or agent."

Section 41. Applicability of Chapter; Severability of Provisions.  
Section 11-65-47, Code of Alabama 1975, is hereby redesignated 11-65-46 and amended to read as follows:

"§ 11-65-4746. Applicability of chapter; severability of provisions.

Insofar as the provisions of this chapter may be inconsistent with the provisions of any other law concerning activities and actions authorized by this chapter, the provisions of this chapter shall control, it being specifically declared that any other provisions of existing law that prohibit or regulate horse racing, or greyhound racing and gambling or

pari-mutuel wagering thereon shall not be applicable to any activities or actions authorized by and regulated pursuant to the provisions of this chapter.

The provisions of this chapter are expressly declared to be severable. If any provision of this chapter shall be adjudged to be invalid by any court of competent jurisdiction (including, without limitation thereto, any particular allocation of net commission revenues or other provision which, if not severed from this chapter, would cause it to be a local act in violation of any constitutional limitation or condition applicable to local acts), such provision shall be severed from this chapter in order to effectuate the legislative intent that such judgment shall not affect, impair or invalidate the remainder of this chapter, and the operation of such judgment shall be limited to the provision thereof directly involved in the action in which such judgment shall have been rendered."

Section 42. Section Captions. The section headings or captions contained in this act are included for convenience only and should not be considered a part of this act or affect in any manner the construction or interpretation of this act.

Section 43. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

The Standing Committee on Local Legislation No. 2 then reported the following amendment to the substitute for the Bill, HB 366, to-wit:

**COMMITTEE AMENDMENT TO COMMITTEE  
SUBSTITUTE FOR HB 366**

Amend House Bill No. 366, on Page 31, Line 1, as follows:

After the word "election.", add the following:

"Any election called by the sponsoring municipality shall not be held on the date the sponsoring municipality holds an election for its mayor or for two or more members of its governing body"

Further amend House Bill 366 as follows:

Strike in its entirety Section (e) on page 32, Line 12 through line 23.

**ADJOURNMENT**

At 1:45 P.M., on motion of Senator Hilliard, in accordance with Motion heretofore adopted and pending further consideration of the Bill, HB 366, the Senate adjourned until Tuesday, June 4, 1991, at 11 o'clock A.M.

## **FIFTEENTH LEGISLATIVE DAY**

**TUESDAY, JUNE 4, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Charles Troncale, Pastor, St. Bede's Catholic Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Jody Thrasher, St. James School, Montgomery, Alabama.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Wilson

-32

### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

### **COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

Senator Preuit moved that the reading of the Journal of yesterday be dispensed with and same adopted by the Senate.

Senator deGraffenried offered a substitute motion that the Journal of yesterday be read at length.

On motion of Senator Preuit, said substitute motion was laid on the table.

Yeas 17   Nays 10

Yeas:

Senators:

Bailey, Barron, Bennett, Campbell, Corbett, Denton, Dixon, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Preuit, and Waggoner  
-17

Nays:

Senators:

Bolling, deGraffenried, Ellis, Figures, Lipscomb, Little, Owens, Parsons, Sanders, and Smith (B)  
-10

The question recurred on the motion of Senator Preuit that the reading of the Journal of yesterday be dispensed with and same adopted by the Senate, which motion was adopted.

Yeas 21   Nays 9

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Preuit, Smith (B), and Waggoner  
-21

Nays:

Senators:

Amari, Bolling, Ellis, Figures, Lipscomb, Little, Owens, Parsons, and Sanders  
-9

**MOTION TO ADJOURN**

Senator Preuit moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, June 5, 1991, at 12:01 A.M.

Senator deGraffenried offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Thursday, June 6, 1991, at 10 o'clock A.M.

On motion of Senator Preuitt, said substitute motion was laid on the table.

Yeas 16 Nays 13

Yeas:

Senators:

Bailey, Barron, Bennett, Campbell, Denton, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Parsons, Preuitt, and Waggoner -16

Nays:

Senators:

Amari, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Figures, Lipscomb, Little, Owens, Sanders, and Smith (B) -13

Senator Amari offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Thursday, June 6, 1991, at 9 o'clock A.M.

On motion of Senator Preuitt, said substitute motion was laid on the table.

Yeas 17 Nays 13

Yeas:

Senators:

Bailey, Barron, Bennett, Campbell, Denton, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Parsons, Preuitt, Smith (J), and Waggoner -17

Nays:

Senators:

Amari, Bedsole, Corbett, deGraffenried, Dial, Dixon, Ellis, Figures, Lipscomb, Little, Owens, Sanders, and Smith (B) -13

The question recurred on the motion of Senator Preuitt that when the Senate adjourns today, it adjourn to meet again on Wednesday, June 5, 1991, at 12:01 A.M., which was adopted.

Yeas 16 Nays 14

Yeas:

Senators:

Bailey, Barron, Bennett, Campbell, Denton, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Parsons, Preuitt, Smith (J), and Waggoner -16

Nays:

Senators:

Amari, Bedsole, Bolling, Corbett, deGraffenried, Dial, Ellis, Figures, Floyd, Lipscomb, Little, Owens, Sanders, and Smith (B) -14



**MOTION TO ADJOURN LOST**

At 11:40 A.M., Senator deGraffenried moved that the Senate adjourn until Wednesday, June 5, 1991, at 12:01 A.M., which motion lost.

Yeas 13 Nays 18

Yeas:

Senators:

Amari, Bolling, Corbett, deGraffenried, Dial, Ellis, Figures, Hilliard, Lipscomb, Little, Owens, Sanders, and Smith (B) -13

Nays:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Denton, Dixon, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Mitchell, Parsons, Preuit, Smith (J), and Waggoner -18

**MOTION TO RECESS LOST**

Senator deGraffenried then moved that the Senate take a recess until 11:59 P.M.

Senator Amari offered a substitute motion that the Senate take a recess until 11 o'clock P.M., which motion lost.

Yeas 14 Nays 17

Yeas:

Senators:

Amari, Bolling, Corbett, deGraffenried, Dial, Ellis, Figures, Hilliard, Horn, Lipscomb, Little, Owens, Sanders, and Smith (B) -14

Nays:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Denton, Dixon, Floyd, Foshee, Hale, Langford, Lindsey, Mitchell, Parsons, Preuit, Smith (J), and Waggoner -17

The question recurred on the motion of Senator deGraffenried that the Senate take a recess until 11:59 P.M., which motion lost.

Yeas 12 Nays 17

Yeas:

Senators:

Amari, Bolling, Corbett, deGraffenried, Dial, Ellis, Hale, Lipscomb, Little, Owens, Sanders, and Smith (B) -12

Nays:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Denton, Dixon, Figures,

Floyd, Foshee, Horn, Langford, Lindsey, Mitchell, Parsons, Preuitt,  
and Waggoner -17

## UNFINISHED BUSINESS

### BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**H. 366.** To amend Chapter 65 of Title 11 of the Code of Alabama 1975, which relates to horse racing and pari-mutuel wagering thereon in Class 1 municipalities, for the following purposes: to make certain legislative findings concerning the experience of the state's only Class 1 municipality with horse racing and pari-mutuel wagering thereon and the economic desirability of authorizing greyhound racing and pari-mutuel wagering thereon in a Class 1 municipality (now defined by statute to be a city with a population of 300,000 inhabitants or more as certified by the 1970 decennial census); to define the particular terms to be used in said Chapter 65 as amended by this act; to authorize a Class 1 municipality (the "sponsoring municipality") to incorporate a racing commission with power to license and regulate horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both; to provide that a racing commission incorporated pursuant to said Chapter 65 will be subject to the jurisdiction of the state ethics commission; to define a host county for a racing commission as the county in which a majority of the residents of the sponsoring municipality reside and to provide that a racing commission incorporated for a sponsoring municipality will have power to license and regulate racing and wagering activities only in the part of such sponsoring municipality that is located in the host county; to provide for elections in the host county to authorize the incorporation of a racing commission and to determine the powers thereof; to amend said Chapter 65 concerning the appointment of certain members of a racing commission and the appointment of deputy members by certain members; to provide alternative arrangements for the appointment of the treasurer of a commission; to amend said Chapter 65 concerning the powers and duties of a racing commission and to impose certain limitations on such powers and duties respecting the confidentiality of information pertaining to a licensed operator and the rights of such operator to conduct its business under the supervision of the commission; to provide conditions relating to the award and use of licenses for horse racing, greyhound racing and pari-mutuel wagering thereon; to authorize retroactively and ratify the action of an existing racing commission in entering into a contract to grant a prospective licensee a license for greyhound racing and pari-mutuel wagering thereon prior to the legislative enactment of the

commission's authority to grant such license; to modify the provisions of said Chapter 65 respecting a license to own or use a horse racing facility; to modify the application and review procedure for granting an operator's license to reflect the additional power and duty of a commission to license and regulate greyhound racing and pari-mutuel wagering thereon; to modify the terms of an operator's license concerning its periodic review and revocation, the allowance of successive three year renewal terms after the initial term of 20 years, and the scheduling and conducting of licensed activities; to modify the ownership requirements applicable to holders of horse racing facility licenses and holders of operator's licenses to conduct horse racing or greyhound racing; to modify the procedure of a commission for reviewing and granting permits for persons to work at a racing facility; to provide for judges for greyhound racing and to modify the appointment procedure for stewards for horse racing; to authorize and provide rules for the conduct of pari-mutuel wagering on greyhound racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools for greyhound racing that are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering on greyhound racing by each licensed operator to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide for a greyhound racing operator to hold commission racing days in each calendar year with the profits therefrom to go to the commission or charitable organizations designated by the commission; to provide that horse racing or greyhound racing events conducted outside the sponsoring municipality may be televised to a racing facility under the jurisdiction of a commission and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations in the state or in other states; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to other locations in the state or in other states and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations to which such racing events are televised; to modify the purposes for which the net revenues of a racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to modify the prohibitions of said Chapter 65 against certain activities so as to make such prohibitions applicable to greyhound racing and pari-mutuel wagering thereon; to modify the penalties for certain prohibited activities concerning racing and pari-mutuel wagering; in the event that a

state racing commission shall be established at any time, to provide in such event that any racing commission created under said Chapter 65 and its licensees for both horse racing and greyhound racing shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission; to provide that the provisions of said Chapter 65 as modified by the act shall be severable; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise both horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities.

and pending Committee amendment to the Committee substitute which said substitute and amendment are set out in the Journal of the Senate for the Fourteenth Legislative Day.

### SUNSET LAW

Pursuant to the provisions of Act No. 79-582, the Senate proceeded to consideration of the Sunset Bills.

### MOTION IN WRITING

Senator Campbell offered the following Motion in Writing, to-wit:

### MOTION IN WRITING

Mr. President, under the provisions of Chapter 41-20-10, Code of Alabama 1975, which states, in part: 'Provided, however, that either House may, by a three-fifth's vote of those members present and voting, consider other business before that house.' I move that this body consider the other business before us, and that is to continue with the unfinished business of HB 366."

(Rule 40 Reasonable time debate)

Senator deGraffenried moved that said Motion in Writing be laid on the table, which motion lost.

Yeas 15 Nays 16

Yeas:

Senators:

Amari, Bedsole, Bolling, deGraffenried, Dial, Dixon, Ellis, Figures, Floyd, Lipscomb, Little, Owens, Sanders, Smith (B), and Waggoner -15

Nays:

Senators:

Bailey, Barron, Bennett, Campbell, Corbett, Denton, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Parsons, Preuitt, and Smith (J) -16

The question recurred on the Motion in Writing by Senator Campbell, which was lost, failure to receive three-fifths majority of those present and voting.

Yeas 17 Nays 13

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, Denton, Floyd, Foshee, Hilliard, Horn, Langford, Lindsey, Mitchell, Parsons, Preuitt, and Smith (J) -17

Nays:

Senators:

Amari, Bolling, deGraffenried, Dial, Dixon, Ellis, Figures, Lipscomb, Little, Owens, Sanders, Smith (B), and Waggoner -13

### BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 159, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Hilliard, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Preuitt, and Waggoner -22

Nays:

- 0

### BILLS ON THIRD READING RESUMED

#### THE BILL:

**H. 159.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners of landscape architects with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: Section 34-17-5, to authorize disciplinary actions by the board for violations of chapter 17, Title 34, and rules and regulations of the board; Section 34-17-20, to require a program of continuing education; Section 34-17-21, to require applicants to have completed certain educational or practical requirements prior to applying for certification by the board and to provide further for temporary certificates of the board; and Section 34-17-25, to provide further for certain fees of the board.

was taken up.

**QUORUM CALL REQUESTED**

At 1:20 P.M., Senator Little requested that the President and Presiding Officer of the Senate ascertain the presence of a quorum.

Whereupon, the roll was called and the following Senators responded to their names:

Senators:

Bailey, Bedsole, deGraffenried, Denton, Dixon, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Parsons, Preuitt, Waggoner, and Wilson

-17

**ADJOURNMENT**

At 1:22 P.M., in the absence of a quorum, the President and Presiding Officer of the Senate declared the Senate adjourned, in accordance with Motion heretofore adopted, and pending further consideration of the Bills, HB's 159 and 366, the Senate adjourned until Wednesday, June 5, 1991 at 12:01 A.M.

## **SIXTEENTH LEGISLATIVE DAY**

**WEDNESDAY, JUNE 5, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by Senator Albert Lipscomb, 32nd Senatorial District.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Alfred Murray, Senate Staff.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

Senator Preuitt moved that the reading of the Journal of yesterday be dispensed with and same adopted by the Senate.

Senator deGraffenried offered a substitute motion that the Journal of yesterday be read at length.

On motion of Senator Preuitt, said substitute motion was laid on the table.

Yeas 19 Nays 9

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Corbett, Denton, Dial, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Preuitt, Smith (J), Waggoner, Wilson, and Windom  
-19

Nays:

Senators:

Amari, deGraffenried, Dixon, Ellis, Figures, Lipscomb, Little, Owens, and Parsons  
- 9

The question recurred on the motion of Senator Preuitt that the reading of the Journal of yesterday be dispensed with and same adopted by the Senate, which motion was adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Preuitt, Smith (J), Waggoner, Wilson, and Windom  
-29

Nays:

- 0

**MOTION TO ADJOURN**

Senator Preuitt moved that when the Senate adjourns today, it adjourn to meet again on Thursday, June 6, 1991, at 12:01 A.M.



REGULAR SESSION  
16th Day

901

Senator deGraffenried offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Thursday, June 6, 1991, at 10 o'clock A.M.

On motion of Senator Preuit, said substitute motion was laid on the table.

Yeas 21 Nays 10

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, Denton, Ellis, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Parsons, Preuit, Smith (J), Waggoner, Wilson, and Windom -21

Nays:

Senators:

Amari, Bolling, deGraffenried, Dial, Dixon, Figures, Lipscomb, Little, Owens, and Sanders -10

Senator Figures offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Thursday, June 6, 1991, at 9 o'clock A.M.

On motion of Senator Preuit, said substitute motion was laid on the table.

Yeas 21 Nays 11

Yeas:

Senators:

Bailey, Barron, Bennett, Campbell, Corbett, Denton, Dixon, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Parsons, Preuit, Smith (J), Waggoner, Wilson, and Windom -21

Nays:

Senators:

Amari, Bedsole, Bolling, deGraffenried, Dial, Ellis, Figures, Lipscomb, Little, Owens, and Sanders -11

Senator Amari offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Thursday, June 6, 1991, at 2 o'clock P.M.

On motion of Senator Preuit, said substitute motion was laid on the table.

Yeas 22 Nays 10

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Denton, Dial, Ellis, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Parsons, Preuitt, Smith (J), Waggoner, and Windom -22

Nays:

Senators:

Amari, Bolling, Corbett, deGraffenried, Dixon, Figures, Lipscomb, Little, Owens, and Sanders -10

The question recurred on the motion of Senator Preuitt that when the Senate adjourns today, it adjourn to meet again on Thursday, June 6, 1991, at 12:01 A.M., which was adopted.

Yeas 24 Nays 8

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dixon, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Parsons, Preuitt, Smith (J), Waggoner, and Windom -24

Nays:

Senators:

deGraffenried, Dial, Ellis, Figures, Lipscomb, Little, Owens, and Sanders - 8

## UNFINISHED BUSINESS

### BILLS ON THIRD READING

The Senate proceeded to consideration of the first item of Unfinished Business for today, which was the Bill:

**H. 159.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners of landscape architects with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: Section 34-17-5, to authorize disciplinary actions by the board for violations of chapter 17, Title 34, and rules and regulations of the board; Section 34-17-20, to require a program of continuing education; Section 34-17-21, to require applicants to have completed certain educational or practical

requirements prior to applying for certification by the board and to provide further for temporary certificates of the board; and Section 34-17-25, to provide further for certain fees of the board.

And said Bill, HB 159, was read a third time at length and passed.

Yeas 30 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Preuitt, Smith (J), Waggoner, Wilson, and Windom -30

Nay: Senator Sanders

- 1

Senator Corbett moved that the Senate reconsider the vote by which the Bill, HB 159, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Yeas 24 Nays 7

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, Denton, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Parsons, Preuitt, Smith (J), Waggoner, Wilson, and Windom -24

Nays:

Senators:

Amari, Bolling, deGraffenried, Ellis, Lipscomb, Little, and Sanders - 7

### MOTION IN WRITING

Senator Campbell offered the following Motion in Writing, to-wit:

### MOTION IN WRITING

Mr. President, under the provisions of Chapter 41-20-10, Code of Alabama 1975, which states, in part: 'Provided, however, that either House may, by a three-fifth's vote of those members present and voting, consider other business before that house.' I move that this body consider the other business before us, and that is to continue with the unfinished business of HB 366."

(Rule 40 Reasonable time debate)

Senator Amari moved that said Motion in Writing be laid on the table, which motion lost.

Yeas 13 Nays 19

Yeas:

Senators:

Amari, Bedsole, Bolling, deGraffenried, Dial, Dixon, Ellis, Figures, Lipscomb, Little, Owens, Parsons, and Sanders -13

Nays:

Senators:

Bailey, Barron, Bennett, Campbell, Corbett, Denton, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Preuitt, Smith (J), Waggoner, and Windom -19

The question recurred on the Motion in Writing by Senator Campbell, which was adopted.

Yeas 21 Nays 12

Yeas:

Senators:

Bailey, Barron, Bennett, Campbell, Corbett, Denton, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Parsons, Preuitt, Smith (J), Waggoner, Wilson, and Windom -21

Nays:

Senators:

Amari, Bedsole, Bolling, deGraffenried, Dial, Dixon, Ellis, Figures, Lipscomb, Little, Owens, and Sanders -12

## UNFINISHED BUSINESS

### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

**H. 366.** To amend Chapter 65 of Title 11 of the Code of Alabama 1975, which relates to horse racing and pari-mutuel wagering thereon in Class 1 municipalities, for the following purposes: to make certain legislative findings concerning the experience of the state's only Class 1 municipality with horse racing and pari-mutuel wagering thereon and the economic desirability of authorizing greyhound racing and pari-

## 16th Day

mutuel wagering thereon in a Class 1 municipality (now defined by statute to be a city with a population of 300,000 inhabitants or more as certified by the 1970 decennial census); to define the particular terms to be used in said Chapter 65 as amended by this act; to authorize a Class 1 municipality (the "sponsoring municipality") to incorporate a racing commission with power to license and regulate horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both; to provide that a racing commission incorporated pursuant to said Chapter 65 will be subject to the jurisdiction of the state ethics commission; to define a host county for a racing commission as the county in which a majority of the residents of the sponsoring municipality reside and to provide that a racing commission incorporated for a sponsoring municipality will have power to license and regulate racing and wagering activities only in the part of such sponsoring municipality that is located in the host county; to provide for elections in the host county to authorize the incorporation of a racing commission and to determine the powers thereof; to amend said Chapter 65 concerning the appointment of certain members of a racing commission and the appointment of deputy members by certain members; to provide alternative arrangements for the appointment of the treasurer of a commission; to amend said Chapter 65 concerning the powers and duties of a racing commission and to impose certain limitations on such powers and duties respecting the confidentiality of information pertaining to a licensed operator and the rights of such operator to conduct its business under the supervision of the commission; to provide conditions relating to the award and use of licenses for horse racing, greyhound racing and pari-mutuel wagering thereon; to authorize retroactively and ratify the action of an existing racing commission in entering into a contract to grant a prospective licensee a license for greyhound racing and pari-mutuel wagering thereon prior to the legislative enactment of the commission's authority to grant such license; to modify the provisions of said Chapter 65 respecting a license to own or use a horse racing facility; to modify the application and review procedure for granting an operator's license to reflect the additional power and duty of a commission to license and regulate greyhound racing and pari-mutuel wagering thereon; to modify the terms of an operator's license concerning its periodic review and revocation, the allowance of successive three year renewal terms after the initial term of 20 years, and the scheduling and conducting of licensed activities; to modify the ownership requirements applicable to holders of horse racing facility licenses and holders of operator's licenses to conduct horse racing or greyhound racing; to modify the procedure of a commission for reviewing and granting permits for persons to work at a racing facility; to provide for judges for greyhound racing and to modify the

appointment procedure for stewards for horse racing; to authorize and provide rules for the conduct of pari-mutuel wagering on greyhound racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools for greyhound racing that are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering on greyhound racing by each licensed operator to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide for a greyhound racing operator to hold commission racing days in each calendar year with the profits therefrom to go to the commission or charitable organizations designated by the commission; to provide that horse racing or greyhound racing events conducted outside the sponsoring municipality may be televised to a racing facility under the jurisdiction of a commission and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations in the state or in other states; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to other locations in the state or in other states and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations to which such racing events are televised; to modify the purposes for which the net revenues of a racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to modify the prohibitions of said Chapter 65 against certain activities so as to make such prohibitions applicable to greyhound racing and pari-mutuel wagering thereon; to modify the penalties for certain prohibited activities concerning racing and pari-mutuel wagering; in the event that a state racing commission shall be established at any time, to provide in such event that any racing commission created under said Chapter 65 and its licensees for both horse racing and greyhound racing shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission; to provide that the provisions of said Chapter 65 as modified by the act shall be severable; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise both horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities.

and pending Committee amendment to the Committee substitute which

said substitute and amendment are set out in the Journal of the Senate for the Fourteenth Legislative Day.

**QUORUM CALL REQUESTED**

At 8:40 A.M., Senator Foshee requested that the President and Presiding Officer of the Senate ascertain the presence of a quorum.

Whereupon, the roll was called and the following Senators responded to their names:

Senators:

Bailey, Barron, Bennett, Campbell, Corbett, deGraffenried, Denton, Dixon, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Little, Mitchell, Parsons, Preuitt, Waggoner, Wilson, and Windom -22

**FURTHER CONSIDERATION OF HB 366**

The Senate proceeded to further consideration of the Bill, HB 366. The question was on the Committee amendment to the Committee substitute.

And said amendment was then adopted.

Senator Figures offered the following amendment to the Committee substitute, as amended, for the Bill, HB 366, to-wit:

**AMENDMENT TO COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR HB 366**

On page 101, on line 26, strike the language "two" and insert in lieu thereof:

four

On page 102, on line 15, strike the language "two" and insert in lieu thereof:

four

On page 103, on lines 3 and 12, delete the language "two" and insert in lieu thereof:

four

**QUORUM CALL REQUESTED**

At 12:45 P.M., Senator Amari requested that the Presiding Officer, Senator Windom, ascertain the presence of a quorum.

The Presiding Officer, Senator Windom, stated that he would not recognize Senator Amari for a quorum call.

**MOTION TO ADJOURN**

At 12:46 P.M., Senator Amari moved that the Senate adjourn until Thursday, June 6, 1991, at 12:01 A.M.

The Presiding Officer, Senator Windom, stated that he would not recognize Senator Amari for a motion to adjourn.

**POINT OF ORDER**

Senator deGraffenried stated that Senator Amari had the right to request a quorum call and/or an adjournment motion.

**STATEMENT BY THE PRESIDING OFFICER**

The Presiding Officer, Senator Windom, stated that he would not recognize Senator Amari for a quorum call and/or an adjournment motion.

**QUORUM CALL REQUESTED**

At 12:50 P.M., Senator Amari requested that the Presiding Officer, Senator Windom, ascertain the presence of a quorum.

The Presiding Officer, Senator Windom, stated that he would not recognize Senator Amari for a quorum call.

**POINT OF ORDER**

Senator deGraffenried referring to Senate Rule 3 requested that the roll of the Senate be called and requested the Secretary of the Senate to call the roll.

The Presiding Officer, Senator Windom, directed the Secretary not to call the roll.



**FURTHER CONSIDERATION OF HB 366**

The Senate proceeded to further consideration of the Bill, HB 366. The question was on the Figures amendment to the Committee substitute, as amended.

**POINT OF ORDER**

Senator deGraffenried requested that the Presiding Officer, Senator Windom, relinquish the Chair and allow him to preside under the provisions of Section 51 of the Constitution of Alabama, because of Senator Windom's lack of necessary parliamentary skills and knowledge of the Senate Rules, specifically Senate Rule 3.

The Presiding Officer, Senator Windom, stated that Senator deGraffenried was out of order and requested Senator Little to continue his debate.

**QUORUM CALL REQUESTED**

At 1:20 P.M., Senator Foshee requested that the President and Presiding Officer, Lieutenant Governor Folsom, ascertain the presence of a quorum.

Whereupon, the roll was called and the following Senators responded to their names:

Senators:

Bailey, Barron, Bennett, Campbell, Corbett, deGraffenried, Denton, Dixon, Floyd, Foshee, Ghee, Hale, Hilliard, Langford, Little, Mitchell, Mitchem, Parsons, Preuitt, Smith (J), Waggoner, Wilson, and Windom

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**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

**H. 159.** Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners of landscape architects with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: Section 34-17-5, to authorize disciplinary actions by the board for violations of chapter 17,

Title 34, and rules and regulations of the board; Section 34-17-20, to require a program of continuing education; Section 34-17-21, to require applicants to have completed certain educational or practical requirements prior to applying for certification by the board and to provide further for temporary certificates of the board; and Section 34-17-25, to provide further for certain fees of the board.

GREG PAPPAS,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **FURTHER CONSIDERATION OF HB 366**

The Senate proceeded to further consideration of the Bill, HB 366. The question was on the Figures amendment to the Committee substitute, as amended.

### **QUORUM CALL REQUESTED**

At 5:42 P.M., Senator Foshee requested that the President and Presiding Officer of the Senate ascertain the presence of a quorum.

Whereupon, the roll was called and the following Senators responded to their names:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Mitchem, Parsons, Preuit, Smith (J), Waggoner, Wilson, and Windom

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### **FURTHER CONSIDERATION OF HB 366**

The Senate proceeded to further consideration of the Bill, HB 366. The question was on the Figures amendment to the Committee substitute, as amended.

**ADJOURNMENT**

At 11:49 P.M., on motion of Senator deGraffenried, in accordance with Motion heretofore adopted and pending further consideration of the Bill, HB 366, the Senate adjourned until Thursday, June 6, 1991, at 12:01 A.M.

## **SEVENTEENTH LEGISLATIVE DAY**

**THURSDAY, JUNE 6, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by Senator Jack Floyd, 10th Senatorial District.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Lisa Helms, Senate Staff.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

**JOURNAL**

And on motion of Senator Preuitt, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

**MOTION TO ADJOURN**

Senator Preuitt moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, June 11, 1991, at 12 o'clock Noon.

**LEAVE OF ABSENCE**

On motion of Senator Parsons, leave of absence was granted Senators Ghee and Smith (B) for today.

Senator Corbett requested and received unanimous consent to excuse absent Senators for the Thirteenth, Fourteenth, and Fifteenth Legislative Days.

**UNFINISHED BUSINESS**

**BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**H. 366.** To amend Chapter 65 of Title 11 of the Code of Alabama 1975, which relates to horse racing and pari-mutuel wagering thereon in Class 1 municipalities, for the following purposes: to make certain legislative findings concerning the experience of the state's only Class 1 municipality with horse racing and pari-mutuel wagering thereon and the economic desirability of authorizing greyhound racing and pari-mutuel wagering thereon in a Class 1 municipality (now defined by statute to be a city with a population of 300,000 inhabitants or more as certified by the 1970 decennial census); to define the particular terms to be used in said Chapter 65 as amended by this act; to authorize a Class 1 municipality (the "sponsoring municipality") to incorporate a racing commission with power to license and regulate horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both; to provide that a racing commission incorporated

pursuant to said Chapter 65 will be subject to the jurisdiction of the state ethics commission; to define a host county for a racing commission as the county in which a majority of the residents of the sponsoring municipality reside and to provide that a racing commission incorporated for a sponsoring municipality will have power to license and regulate racing and wagering activities only in the part of such sponsoring municipality that is located in the host county; to provide for elections in the host county to authorize the incorporation of a racing commission and to determine the powers thereof; to amend said Chapter 65 concerning the appointment of certain members of a racing commission and the appointment of deputy members by certain members; to provide alternative arrangements for the appointment of the treasurer of a commission; to amend said Chapter 65 concerning the powers and duties of a racing commission and to impose certain limitations on such powers and duties respecting the confidentiality of information pertaining to a licensed operator and the rights of such operator to conduct its business under the supervision of the commission; to provide conditions relating to the award and use of licenses for horse racing, greyhound racing and pari-mutuel wagering thereon; to authorize retroactively and ratify the action of an existing racing commission in entering into a contract to grant a prospective licensee a license for greyhound racing and pari-mutuel wagering thereon prior to the legislative enactment of the commission's authority to grant such license; to modify the provisions of said Chapter 65 respecting a license to own or use a horse racing facility; to modify the application and review procedure for granting an operator's license to reflect the additional power and duty of a commission to license and regulate greyhound racing and pari-mutuel wagering thereon; to modify the terms of an operator's license concerning its periodic review and revocation, the allowance of successive three year renewal terms after the initial term of 20 years, and the scheduling and conducting of licensed activities; to modify the ownership requirements applicable to holders of horse racing facility licenses and holders of operator's licenses to conduct horse racing or greyhound racing; to modify the procedure of a commission for reviewing and granting permits for persons to work at a racing facility; to provide for judges for greyhound racing and to modify the appointment procedure for stewards for horse racing; to authorize and provide rules for the conduct of pari-mutuel wagering on greyhound racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools for greyhound racing that are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering on greyhound racing by each licensed operator to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide for

a greyhound racing operator to hold commission racing days in each calendar year with the profits therefrom to go to the commission or charitable organizations designated by the commission; to provide that horse racing or greyhound racing events conducted outside the sponsoring municipality may be televised to a racing facility under the jurisdiction of a commission and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations in the state or in other states; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to other locations in the state or in other states and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations to which such racing events are televised; to modify the purposes for which the net revenues of a racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to modify the prohibitions of said Chapter 65 against certain activities so as to make such prohibitions applicable to greyhound racing and pari-mutuel wagering thereon; to modify the penalties for certain prohibited activities concerning racing and pari-mutuel wagering; in the event that a state racing commission shall be established at any time, to provide in such event that any racing commission created under said Chapter 65 and its licensees for both horse racing and greyhound racing shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission; to provide that the provisions of said Chapter 65 as modified by the act shall be severable; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise both horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities.

and pending Figures amendment to the Committee substitute, as amended, which said amendment is set out in the Journal of the Senate for the Sixteenth Legislative Day, and said substitute is set out in the Journal of the Senate for the Fourteenth Legislative Day.

And on motion of Senator Parsons, said amendment was laid on the table.

### ADJOURNMENT

At 12:12 A.M., on motion of Senator Parsons, in accordance with Motion heretofore adopted, and pending further consideration of the Bill, HB 366, the Senate adjourned until Tuesday, June 11, 1991, at 12 o'clock Noon.

## **EIGHTEENTH LEGISLATIVE DAY**

**TUESDAY, JUNE 11, 1991**

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

### **PRAYER**

The Session was opened with prayer by the Reverend Neal Hughes, McGehee Road Baptist Church, Montgomery, Alabama.

### **PLEDGE OF ALLEGIANCE**

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Lance Corporal Galen M. Wagner, United States Marine Corps, stationed at Headquarters 6th Marine, Camp Lejeune, North Carolina, having served with the 2nd Marine Division, 6th TOW Operation, Desert Storm.

### **ROLL CALL**

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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### **REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventeenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**JIM PREUITT,**  
Chairperson.



COMMITTEE REPORT

On motion of Senator Preuitt, the foregoing report was concurred in and approved by the Senate.

JOURNAL

Senator Preuitt moved that the reading of the Journal of yesterday be dispensed with and same adopted by the Senate.

Senator deGraffenried offered a substitute motion that the Journal of yesterday be read at length.

On motion of Senator Preuitt, said substitute motion was laid on the table.

Yeas 16 Nays 8

Yeas:

Senators:

Barron, Bedsole, Bennett, Corbett, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Mitchell, Parsons, Preuitt, Wilson, and Windom -16

Nays:

Senators:

Bolling, deGraffenried, Dial, Ellis, Figures, Little, Owens, and Sanders - 8

The question recurred on the motion of Senator Preuitt that the reading of the Journal of yesterday be dispensed with and same adopted by the Senate, which motion was adopted.

Yeas 21 Nays 5

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, Denton, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Mitchell, Owens, Preuitt, Waggoner, and Wilson -21

Nays:

Senators:

Amari, Bolling, deGraffenried, Little, and Sanders - 5

**UNFINISHED BUSINESS  
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**H. 366.** To amend Chapter 65 of Title 11 of the Code of Alabama 1975, which relates to horse racing and pari-mutuel wagering thereon in Class 1 municipalities, for the following purposes: to make certain legislative findings concerning the experience of the state's only Class 1 municipality with horse racing and pari-mutuel wagering thereon and the economic desirability of authorizing greyhound racing and pari-mutuel wagering thereon in a Class 1 municipality (now defined by statute to be a city with a population of 300,000 inhabitants or more as certified by the 1970 decennial census); to define the particular terms to be used in said Chapter 65 as amended by this act; to authorize a Class 1 municipality (the "sponsoring municipality") to incorporate a racing commission with power to license and regulate horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both; to provide that a racing commission incorporated pursuant to said Chapter 65 will be subject to the jurisdiction of the state ethics commission; to define a host county for a racing commission as the county in which a majority of the residents of the sponsoring municipality reside and to provide that a racing commission incorporated for a sponsoring municipality will have power to license and regulate racing and wagering activities only in the part of such sponsoring municipality that is located in the host county; to provide for elections in the host county to authorize the incorporation of a racing commission and to determine the powers thereof; to amend said Chapter 65 concerning the appointment of certain members of a racing commission and the appointment of deputy members by certain members; to provide alternative arrangements for the appointment of the treasurer of a commission; to amend said Chapter 65 concerning the powers and duties of a racing commission and to impose certain limitations on such powers and duties respecting the confidentiality of information pertaining to a licensed operator and the rights of such operator to conduct its business under the supervision of the commission; to provide conditions relating to the award and use of licenses for horse racing, greyhound racing and pari-mutuel wagering thereon; to authorize retroactively and ratify the action of an existing racing commission in entering into a contract to grant a prospective licensee a license for greyhound racing and pari-mutuel wagering thereon prior to the legislative enactment of the commission's authority to grant such license; to modify the provisions of said Chapter 65 respecting a license to own or use a horse racing facility; to modify the application and review procedure for granting an

operator's license to reflect the additional power and duty of a commission to license and regulate greyhound racing and pari-mutuel wagering thereon; to modify the terms of an operator's license concerning its periodic review and revocation, the allowance of successive three year renewal terms after the initial term of 20 years, and the scheduling and conducting of licensed activities; to modify the ownership requirements applicable to holders of horse racing facility licenses and holders of operator's licenses to conduct horse racing or greyhound racing; to modify the procedure of a commission for reviewing and granting permits for persons to work at a racing facility; to provide for judges for greyhound racing and to modify the appointment procedure for stewards for horse racing; to authorize and provide rules for the conduct of pari-mutuel wagering on greyhound racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools for greyhound racing that are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering on greyhound racing by each licensed operator to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide for a greyhound racing operator to hold commission racing days in each calendar year with the profits therefrom to go to the commission or charitable organizations designated by the commission; to provide that horse racing or greyhound racing events conducted outside the sponsoring municipality may be televised to a racing facility under the jurisdiction of a commission and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations in the state or in other states; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to other locations in the state or in other states and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations to which such racing events are televised; to modify the purposes for which the net revenues of a racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to modify the prohibitions of said Chapter 65 against certain activities so as to make such prohibitions applicable to greyhound racing and pari-mutuel wagering thereon; to modify the penalties for certain prohibited activities concerning racing and pari-mutuel wagering; in the event that a state racing commission shall be established at any time, to provide in

such event that any racing commission created under said Chapter 65 and its licensees for both horse racing and greyhound racing shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission; to provide that the provisions of said Chapter 65 as modified by the act shall be severable; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise both horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities.

and pending Committee substitute, as amended, which said substitute is set out in the Journal of the Senate for the Fourteenth Legislative Day.

Senator Parsons offered the following amendment to the Committee substitute, as amended, for the Bill, HB 366, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED,  
FOR HB 366**

Amend HB 366, Section 4, subsection (a), page 26, lines 15 and 16, by deleting the following phrase in parentheses:

~~(subject to the provisions of subsection (e) of this section 11-65-4)~~

Further amend HB 366, Section 4, subsection (b), page 28, lines 24 and 25, by deleting the following phrase in parentheses:

~~(subsequent to the provisions of subsection (e) of this section 11-65-4)~~

Further amend HB 366, Section 13, subsection (d), page 71, line 23, by deleting the comma after the word "applicant" and before clause (i).

Further amend HB 366, Section 26, subsection (b), page 107, line 1, by deleting the word "horse" and substituting in lieu thereof the word "greyhound."

Further amend HB 366, Section 31, page 116, line 23, by inserting a comma after the word "commission."

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**SR 90. DEBATE ON HB 366.**

BE IT RESOLVED BY THE SENATE That debate on HB 366 shall cease at 4 o'clock P.M. today and that a vote be taken at that time on HB 366 and amendments.

Senator deGraffenried offered the following substitute for the Resolution, SR 90, to-wit:

**SUBSTITUTE FOR SR 90**

**SR 90. DEBATE ON HB 366.**

BE IT RESOLVED BY THE SENATE That debate on HB 366 shall not cease at 4 o'clock P.M. and that a vote not be taken at that time on HB 366.

On motion of Senator Preuitt, said substitute was laid on the table.

Yeas 22 Nays 11

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Denton, Dixon, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Mitchell, Mitchem, Parsons, Preuitt, Smith (J), Waggoner, Wilson, and Windom -22

Nays:

Senators:

Amari, Bolling, deGraffenried, Dial, Ellis, Figures, Lipscomb, Little, Owens, Sanders, and Smith (B) -11

On motion of Senator Preuitt, the Resolution was then adopted by the Senate.

Yeas 21 Nays 12

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Denton, Dixon, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Mitchell, Mitchem, Parsons, Preuitt, Smith (J), Waggoner, and Wilson -21

Nays:

Senators:

Amari, Bolling, deGraffenried, Dial, Ellis, Figures, Lipscomb, Little, Owens, Sanders, Smith (B), and Windom -12

**FURTHER CONSIDERATION OF HB 366**

The Senate proceeded to further consideration of the Bill, HB 366. The question was on the Parsons amendment to the Committee substitute, as amended.

And said amendment was then adopted.

**RECESS**

At 3:20 P.M., Senator Parsons moved that the Senate take a recess until 3:59 P.M., which resulted in a tie vote.

Yeas 16   Nays 16

Yeas:

Senators:

Barron, Bennett, Campbell, Denton, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Mitchem, Parsons, Preuit, Wilson, and Windom

-16

Nays:

Senators:

Amari, Bedsole, Bolling, deGraffenried, Dial, Ellis, Figures, Floyd, Ghee, Lipscomb, Little, Owens, Sanders, Smith (B), Smith (J), and Waggoner

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The President and Presiding Officer of the Senate voted "Yea"; therefore the motion to recess until 3:59 P.M. was adopted.

At 3:59 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

**MOTION TO RECONSIDER**

Senator Hilliard moved that the Senate reconsider the vote by which the Resolution, SR 90, was adopted.

On motion of Senator Foshee, the motion to reconsider was laid on the table.

**FURTHER CONSIDERATION OF HB 366**

The hour of 4 o'clock P.M., having arrived, the Senate proceeded

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to further consideration of the Bill, HB 366. The question was on the Committee substitute, as amended.

And said committee substitute, as amended, was then adopted.

Yeas 21   Nays 8  
                    Abstaining 1

Yeas:

Senators:

Barron, Bedsole, Bennett, Campbell, Corbett, Dial, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Mitchem, Parsons, Preuit, Waggoner, Wilson, and Windom -21

Nays:

Senators:

Amari, Dixon, Ellis, Lipscomb, Little, Owens, Sanders, and Smith (B) - 8

Abstaining: Senator Bailey - 1

Senator Parsons moved that the Senate reconsider the vote by which the Committee substitute was adopted.

On motion of Senator Foshee, said motion to reconsider was laid on the table.

Yeas 21   Nays 6

Yeas:

Senators:

Barron, Bedsole, Bennett, Campbell, Corbett, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Hilliard, Horn, Langford, Lindsey, Mitchell, Mitchem, Parsons, Preuit, Wilson, and Windom -21

Nays:

Senators:

Figures, Little, Owens, Sanders, Smith (B), and Waggoner - 6

**STATEMENT BY THE PRESIDENT AND PRESIDING OFFICER**

Pursuant to Senate Rule 50 (a) the President and Presiding Officer of the Senate stated that the Standing Committee on Industrial Development and Expansion will meet at 4:15 P.M., in the Rules Committee Conference Room.

Pursuant to Senate Rule 50 (a) the President and Presiding Officer then stated that the Standing Committee on Banking and Insurance would meet at 4:25 P.M., in the Rules Committee Conference Room.

### POINT OF PERSONAL PRIVILEGE

Senator Parsons asked, "if Rule 34 permitted the third reading of the Bill, HB 366, to be interrupted once it had begun?"

### STATEMENT BY THE PRESIDENT AND PRESIDING OFFICER

The President and Presiding Officer of the Senate stated that the third reading could be interrupted to announce a committee meeting.

### FURTHER CONSIDERATION OF HB 366

The Senate proceeded to further consideration of the Bill, HB 366, as amended by the substitute, as amended.

And said Bill, HB 366, as amended by the substitute, as amended, was read a third time at length and passed.

Yeas 20 Nays 7  
Abstaining 1

Yeas:

Senators:

Barron, Bedsole, Bennett, Campbell, Corbett, Dial, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Lindsey, Mitchell, Mitchem, Parsons, Preuitt, Waggoner, Wilson, and Windom -20

Nays:

Senators:

Bolling, deGraffenried, Dixon, Ellis, Lipscomb, Little, and Owens - 7

Abstaining: Senator Bailey

- 1

Senator Foshee moved that the Senate reconsider the vote by which the Bill, HB 366, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

### ADJOURNMENT

At 7 o'clock P.M., on motion of Senator Foshee, the Senate adjourned until Thursday, June 13, 1991, at 10:30 A.M.